

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: January 23, 2003  
Time: 4:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

Douglas Small, Vice Chairman  
Stewart Clifton  
Judy Cummings  
James McLean  
Ann Nielson  
Councilmember John Summers  
Victor Tyler

**Absent:**

James Lawson, Chairman  
Tonya Jones  
Joe Sweat, Mayor's Designee

**Staff Present:**

Richard C. Bernhardt, Executive Director  
Kathryn Fuller, Planner 2  
Ann Hammond, Assistant Executive Director/Planning  
Marcus Hardison, Planner 1  
Lee Jones, Planner 1  
David Kleinfelter, Planner 3  
Robert Leeman, Planner 2  
Preston Mitchell, Planner 2  
Carolyn Perry, Administrative Assistant  
Jennifer Regen, Planning Manager 2  
Chris Wooton, Planning Technician 1

**Others Present:**

Brook Fox, Legal Department  
Chris Koster, Mayor's Office

Vice Chairman Small called the meeting to order.

**ADOPTION OF AGENDA**

Staff announced the following changes to the agenda:

Add under Other Business: Set Public hearing for the Bellevue Community Plan for 2:00 on February 13, 2003.

- 16. 2003Z-017U-07, change RS5 to RS3.75.
- 17. 2003P-004U-07, change RS5 to RS3.75, 15 lots to 14 lots.
- 20. 2002s-229G-14, change Part of Parcels 7 and 8 to Parcels 7 and 8.

- 21. 2002S-339U-10, request for preliminary plat approval only.
- 31. 2003M-008G-04, add condition, subject to Council approval.
- 37. 2003M-009G-04, add condition, subject to Council approval.

Mr. Clifton moved and Mr. McLean seconded the motion, which unanimously passed, to adopt the agenda.

### **APPROVAL OF MINUTES**

Mr. McLean moved and Ms. Cummings seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of January 9, 2003.

### **RECOGNITION OF COUNCILMEMBERS**

Councilman Feller Brown stated he has talked with the developer, Roy Dale, and have reached an agreement to defer this item 3. 2002Z-110G-14, until February 27, 2003, for a community meeting.

Councilman Phil Ponder spoke in favor of item 23. 2003S-020G-14, and asked the Commission to pay special attention to the applicants request on item 25. 2000S-026G-14.

Nielson arrived at 4:20 p.m., at this point in the agenda.

Councilman Shulman spoke in opposition to item 19. 2003Z-025U-10; stated he has held a community meeting regarding item 25. 2000S-026G-14 and that there are concerns on both sides; and asked for another deferral on item 22. 2003S-011U-10.

Councilman Melvin Black spoke regarding item 11. 2003Z-011U-03, and stated there are TVA lines running through the property and that it is not suitable for residential development.

Councilmember Bob Bogen stated he was present to hear the recommendation on item 14. 2003Z-015G-06.

### **PUBLIC HEARING**

#### **OTHER BUSINESS**

1. Set Public Hearing for Subdivision Regulation Amendments

Ms. Nielson moved and Mr. McLean seconded the motion to set the Public Hearing for Subdivision Regulation Amendments for the regular meeting of February 13, 2003.

Mr. Bernhardt stated this could affect item 20. 2002S-229G-14, and item 24. 2003S-028U-08, and under those circumstances the Commission may need to defer them.

Councilman Summers moved and Ms. Cummings seconded the motion, which carried unanimously, to defer item 20. 2002S-229G-14, and item 24. 2003S-028U-08 and set a public hearing on whether or not to set moratorium on building in the floodplain

Vice Chairman Small explained the motion to the public. He stated that in light of the current Council Bill that may affect building in floodplain and that would affect item 20. 2002S-229G-14, and item 24. 2003S-028U-08. These items are going to be deferred and there may be a moratorium placed on hearing cases on building in floodplain area.

Mr. Chris Utley stated the deferrals need to include item 5. 2002Z-122G-03.

Mr. Dan Barge, representing Westport Development Company spoke regarding item 24. 2003S-028U-8 and stated they have gone to great lengths to protect the floodplain area, and that he hates to lose a viable project to this debate.

Vice Chairman Small asked if a 2 week deferral will stop the project from going forward.

Mr. Barge stated his client says it is possible.

Ms. Sandra Scott requested deferral on item 24.

Mr. Charles Rhoten stated every time he has something before the Commission the rules are changed and asked for a vote up or down and not a deferral.

Reverend John Beach stated they have looked at this property and have been working with the Nashville Design Center and discussed what should be built on it. This is the first we have heard of a deferral.

Vice Chairman Small stated this is not about a good or bad project, but deferral in regards to the floodplain bill.

Mr. Melvin Gill asked for deferral.

Mr. Mike Shields, Westport Development Company stated they have made sure everything is in compliance and not in the floodplain. This is an Affordable Housing Project and a deferral would definitely hurt the project. He asked that the Commission not defer their vote.

## 2. Executive Director Reports

### 3. Employee Contracts for David Kleinfelter, Anna Kuoppamaki and James McAteer

#### **Resolution No. 2003-12**

“**BE IT RESOLVED** the Metropolitan Planning Commission that it **APPROVES** the employee contracts for David Kleinfelter, Anna Kuoppamaki and James McAteer for two years.”

## 4. Legislative Update

### **PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS**

At the beginning of the meeting, staff listed the deferred items as follows:

- 20. 2002S-229G-14, Deferred until February 13, 2003.
- 24. 2003S-028U-08, Deferred until February 13, 2003.
- 2. 2003Z-003T, Deferred until February 13, 2003.
- 15. 2003Z-016U-13, Deferred until February 13, 2003.
- 22. 2003S-011U-10, Deferred until February 13, 2003.
- 24. 2003S-028U-08, Deferred until February 13, 2003.
- 26. 2003S-001G-04, Deferred until February 13, 2003.
- 3. 2002Z-110G-14, Deferred until February 27, 2003.
- 4. 2003P-003G-14, Deferred until February 27, 2003.
- 14. 2003Z-015G-06, Deferred until February 27, 2003.

Ms. Nielson moved and Mr. Clifton seconded the motion, which unanimously passed, to close the public hearing and defer the items listed above.

**PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

Note: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

Ms. Nielson moved and Mr. Clifton seconded the motion, which unanimously carried, to close the public hearing and approve the following items on the consent agenda:

**ZONING MAP AMENDMENTS**

**1. 2003Z-001T**

A request to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, relative to notification of a radio/TV/satellite/cellular/personal communications tower application submittal, requested by Councilmember Brenda Gilmore.

Project No. Text Change 2003Z-001T  
Associated Case None  
Council Bill BL2003-1304  
Staff Reviewer Regen  
Staff Recommendation *Approve*

REQUEST Request from Councilmember Brenda Gilmore to modify the “Radio/TV/Satellite Tower” and the “Telephone Services” (cell tower) performance standards relative to notification and a community meeting as follows:

Provide notification to the district councilmember of any new tower application;  
Require the applicant to attend any community meeting scheduled by the district councilmember within 30 days after the application’s submittal.

In addition, there are a few minor housekeeping items included in this proposed amendment for “Telephone Service” and “Radio/TV/Satellite Tower” to provide consistency in the zoning code for all tower applications.

**ANALYSIS**

Existing Code While new “Radio/TV/Satellite Towers” are a special exception (SE) in most zoning districts, a cell tower (Telephone Service) is permitted with conditions (PC) in all districts due to the limitations placed by the United States Congress through the 1996 Telecommunications Act. Few cell towers, however, are constructed without the Board of Zoning Appeals (BZA) approval. Those that are approved as a “PC” use do not require any notification to abutting property owners or the district councilmember, prior to their approval or erection. Given their tall height, few cell towers can comply with the code’s setback standards. Therefore, when a cell tower cannot meet the height requirements, in lieu of a zoning variance, the Zoning Code requires the applicant apply for a special exception.

When a tower is a special exception requiring BZA approval, neighborhood groups and residents within 300 feet of the proposed site are to be notified of the tower proposal, as required by Section 17.40.720 of the Zoning Code. It is at this point that the district councilmember typically is informed of the pending application. With limited time between receipt of the mailed notice and the BZA hearing, little opportunity exists for the councilmember and community to meet with the applicant to discuss the tower application outside of the formal BZA hearing process.

Proposed Text Change The proposed text amendment, if adopted by Metro Council, would require the Zoning Administrator or the planning director to notify the district councilmember of a tower application, prior to issuance of a zoning permit and immediately after the application has been submitted. The Zoning Administrator handles towers that are a SE or PC, except in a planned unit development district (PUD). The Metro Planning Commission reviews and approves towers within a PUD.

This notification requirement applies only to towers proposed within a residential district or a district permitting residential uses (except MUI, ORI, CF, CC and SCR). These five districts were excluded from this notification requirement because they are intense districts where one expects to find tall buildings or structures and intensive uses. However, if a tower were proposed within one of these five districts and it was within 1,000 feet of a zoning boundary line of a residential district or a district permitting residential use, notification would be required.

Within 30 days from the date of the application's submittal, the district councilmember may hold a community meeting that the applicant must attend. At that meeting, the applicant is required to provide information on the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Staff recommends approval of this text amendment. The notification requirement serves a community purpose by informing those who will live with the tower in their backyard or viewshed. The intent of this provision is to afford those councilmembers who desire, an opportunity to hold a community meeting before a zoning permit is approved for a tower or a BZA public hearing has occurred. It is not to delay or stymie applicants. The community meeting will make the applicant more accessible and available to answer any questions of neighborhood leaders, residents, and property owners. Such opportunities do not exist at the more formal governmental public hearings held by the BZA or the Metro Planning Commission.

Actual Text      The specific changes to the Zoning Code are listed below:

Amend Section 17.16.080.B, "Communication Uses: Radio/TV/Satellite Tower" by modifying the following: The applicant shall demonstrate that existing towers, buildings, or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower. Factors to be considered ~~by the board of zoning appeals~~ in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio interference and geographic service area requirements.

Height. The maximum height of radio/TV/satellite towers shall be determined by the height control provisions of Chapter 17.12. Guy wire anchors, if used, shall be ~~setback~~ set back a minimum of five feet from all property lines. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(A). ~~The board of zoning appeals shall determine the maximum height of a radio/TV/satellite tower facility based on all engineering concerns having been addressed to the board's satisfaction, and that the proposed facility shall not be detrimental to surrounding properties.~~

Amend Section 17.16.080.B, "Communication Uses: Radio/TV/Satellite Tower" by adding the following: Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.080.C, "Communication Uses: Telephone Service" by adding the following new paragraph as paragraph "1" and renumbering paragraphs "1", "2", "3", and "4" to read "2", "3", "4", and "5":

1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio interference and geographic service area requirements.

Amend Section 17.16.080.C, "Communication Uses: Telephone Service" by adding the following new paragraph:

Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a

residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.180.A, "Communication Special Exceptions: Radio/TV/Satellite Tower" by adding the following:

5. Notification. Prior to conducting a Special Exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.180.B, "Communication Special Exceptions: Telephone Service" by adding the following:

2. Notification. Prior to conducting a Special Exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

**Resolution No. 2003-13**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-001T is **APPROVED (6-0)**:

**This change will require notification to the district councilmember of any new applications to construct cell phone towers, and will require the applicant to attend any community meeting scheduled by the district councilmember within 30 days after the application's submittal."**

**6. 2003Z-002G-01**  
Map 15, Part of Parcel 7  
Subarea 1 (1997)  
District 1 (Gilmore)

A request to change from RS40 district to MUL district a portion of property at 7305 Whites Creek Pike, abutting the western margin of Whites Creek Pike, (41.5 acres), requested by Joe N. Smith, applicant, for Clara H. Falls, owner.

Project No. Zone Change 2003Z-002G-01  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Approve if TIS recommendations are received from Metro Traffic Engineer prior to 1/23/03 MPC meeting. Staff will recommend indefinite deferral if TIS recommendations have not been received from Metro Traffic Engineer prior to the MPC meeting.*

APPLICANT REQUEST Rezone 41.5 acres from Residential (RS40) to Mixed Use Limited (MUL) at 7305 Whites Creek Pike.

Existing Zoning

RS40 zoning RS40 zoning is intended for single-family dwellings at 0.93 units per acre.

Proposed Zoning

MUL zoning MUL is intended for a medium intensity mixture of residential, retail, and office uses.

SUBAREA 1 PLAN POLICY

Retail Concentration Community

(RCC) RCC policy is intended to accommodate concentrations of community scale retail uses such as restaurants, retail, office, and financial institutions.

Policy Conflict

None. The Subarea 1 Plan defines this area as RCC policy. The MUL zoning will allow for a mixture of retail and office uses that are appropriate for the interchange at Whites Creek Pike and Interstate 24. This area is specifically discussed in the Subarea 1 Plan: *“Despite the inherent limitations, it is suitable to meet the expected demand for community scale retail. This area is centrally located, and virtually all of the Subarea and parts of Subarea 3 and Cheatham and Robertson counties lie within a five-mile radius, which is a typical trade area for community retail concentrations.”*

RECENT REZONINGS None

TRAFFIC Based on typical uses in MUL districts, this proposed zoning would generate approximately 4,860 to 54,168 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings The Public Works Department has indicated they can do no further review of this item without additional information. No Traffic impact study has been submitted.

Based upon the Public Works Department’s request, staff recommends that the applicant be required to submit a Traffic Impact Study pursuant to Section 17.20.140 of the Code. If the traffic impact study is not received, this zoning request should be deferred or disapproved.

**Resolution No. 2003-14**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-002G-01 is **APPROVED (6-0) with conditions:**

**The proposed MUL district is consistent with the Subarea 1 Plan’s Retail Concentration Community (RCC) policy calling for community scale retail uses such as restaurants, retail, and office uses. The MUL district is appropriate at the Whites Creek Pike/I-24 interchange. Prior to any final plat recordation, the road improvements outlined in the Traffic Impact Study approved by the Metro Public Works Department must be completed or bonded.**

**2003Z-002G-01, RS40 to MUL at 7305 Whites Creek Pike:**

1. The proposed project access should be constructed so that it intersects Whites Creek Pike at least 1,000 feet north of the westbound ramps for I-24. This distance is required in order to provide a safe and efficient traffic operations at both intersections upon the installation of a new traffic signal at each location.
2. The proposed project access should be constructed to include two westbound entering lanes and two eastbound exiting lanes. Specifically, the two eastbound exiting lanes should be striped as separate left and right turn lanes. Each of these exiting lanes should be designed to AASHTO standards and include at least 300 feet of storage.
3. At the new project access, a northbound left turn lane and a southbound right turn lane should be provided on Whites Creek Pike. Each of these turn lanes should be designed to AASHTO standards. The northbound left turn lane should include at least 500 feet of storage, and the southbound right turn lane should include at least 200 feet of storage. Although the northbound left turn movement is expected to be heavy, it is recommended that only one northbound left turn lane be constructed so that, under signalized conditions, a permissive left turn signal phase can be provided at this location. With such a provision, the

storage requirements of the northbound left turn lane will not interfere with the traffic operations at the intersection of Whites Creek Pike and the westbound I-24 ramps.

4. A traffic signal should be installed at the intersection of Whites Creek Pike and the eastbound I-24 ramps. Specifically, this traffic signal should be designed and installed to include a left turn signal phase for northbound motorists, as well as a right turn overlap signal phase for southbound motorists. It is important to note that this installation is likely to be needed under background conditions, whether or not the proposed project is constructed.
5. A traffic signal should be installed at the intersection of Whites Creek Pike and the westbound I-24 ramps. Specifically, this traffic signal should be designed and installed to include a left turn signal phase for northbound motorists. It is important to note that this installation is likely to be needed under background conditions, whether or not the proposed project is constructed.
6. A traffic signal should be installed at the intersection of Whites Creek Pike and the project access. The traffic signal should be designed and installed to include a left turn signal phase for northbound motorists and a right turn overlap signal phase for eastbound motorists.
7. In order to facilitate safe and efficient traffic operations in the vicinity of the project site, it would be desirable to reduce the speed limit on Whites Creek Pike from 50 mph to 40 mph from Baxter Road to the interchange with I-24.”

**9. 2003Z-007G-12**

Map 181, Part of Parcel 19  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to RS10 (38.3 acres), RM4 (38.3 acres), and RM6 (18 acres) districts property at Culbertson Road (unnumbered), abutting the northern margin of Culbertson Road, (94.6 acres), requested by Mike Anderson of Anderson-Delk and Associates, Inc., applicant, for Delvin Farms, L.P.

Project No. Zone Change 2003Z-007G-12  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions. If a council bill is filed, it should include the following conditions to be completed or bonded prior to the recording of any final subdivision plat.*

*The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.*

*The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.*

*Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.*

*The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.*

APPLICANT REQUEST Rezone 94.6 acres from Agricultural/Residential (AR2a) to Residential Single-Family (RS10), Residential Multi-Family (RM4), and Residential Multi-Family (RM6) at Culbertson Road (unnumbered).

Existing Zoning

AR2a zoning AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family dwellings at 3.7 units per acre.



RM4 zoning RM4 zoning is intended for single-family and multi-family dwellings at 4 units per acre.

RM6 zoning RM6 zoning is intended for single-family and multi-family dwellings at 6 units per acre.

SUBAREA 12 PLAN POLICY

Residential Low Medium (RLM) RLM policy is intended for two to four dwelling units per acre.

Policy Conflict

None. The Subarea 12 Plan defines this area as RLM policy. The RS10 and the RM4 districts are consistent with the intent of the RLM policy. The RM6 district exceeds the intent of the RLM policy, but with a significant portion of the property being within the floodway and floodplain of Mill Creek, the proposed density is at the intended density of the RLM policy. Further, the overall density of the requested rezoning is consistent with the RLM policy.

RECENT REZONINGS Yes. MPC recommended approval with roadway and access conditions on 7/25/02 (2002Z-072G-12) rezoning parcel 37 from AR2a to RS10. Council approved the rezoning with the conditions on 12/9/02 (BL2002-1203)

ROAD NETWORK CONDITIONS Rezoning to RS10, RM4, and RM6 would permit up to 403 dwelling units on the site (142 single-family and 261 multi-family). 142 single-family residences and 261 multi-family residences would generate approximately 3,089 trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Currently, Culbertson Road is substandard, not meeting current Metro standards, with a portion located in the flood plain and subject to regular closing due to flooding. In addition there currently exists no other access to the property from adjacent developments.

Staff recommends no development occur on this property until either Culbertson Road is brought into conformance with adopted Metro roadway standards or alternative access is available through the adjacent Sugar Valley PUD, thus eliminating the need for access to Culbertson Road.

Traffic Engineer’s Findings The Public Works Department has indicated the recommendations contained in the submitted Traffic Impact Study will be sufficient for this development; those recommendations are conditions 2 thru 4.

SCHOOLS

Students Generated

RS10	<u>27</u> Elementary	<u>20</u> Middle	<u>16</u> High School
RM4	<u>10</u> Elementary	<u>8</u> Middle	<u>6</u> High School
RM6	<u>8</u> Elementary	<u>5</u> Middle	<u>4</u> High School
Total	<u>45</u> Elementary	<u>33</u> Middle	<u>26</u> High School

Schools Over/Under Capacity Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, Antioch Middle, and Antioch High have been identified as being overcrowded by the Metro School Board.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that significant portions of the property contain steep slopes [slopes 20% or greater] and/or areas encompassed by the official floodplain maps, the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land  
Subdivision Regulation 2-7.5 – Open Space Conservation Easements  
Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent... Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

“For lots of less than one acre, land area designated as natural floodplain or floodway... shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state...” 17.28.040(A)(2) (emphasis added).

#### **Resolution No. 2003-15**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-007G-12 is **APPROVED (6-0) with conditions:**

#### **2003Z-007G-12, AR2a to RS10, RM4, and RM6 on Culbertson Road:**

1. The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.
2. The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.
3. Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.
4. The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.”

#### **10. 2003Z-010U-07**

Map 91-15, Parcel 104  
Subarea 7 (2000)  
District 24 (Summers)

A request to change from OR20 district to RS7.5 district property at 5206 Park Avenue, approximately 100 feet east of 53rd Avenue North, (0.19 acres), requested by Councilmember John Summers, applicant, for Alice W. Cameron, owner.

Project No. Zone Change 2003Z-010U-07  
Council Bill None  
Associated Cases None  
Staff Reviewer Scott

Staff Recommendation *Approve*

APPLICANT REQUEST            Rezone 0.19 acres from Office/Residential (OR20) to Residential (RS7.5) at 5206 Park Avenue.  
Existing Zoning  
OR20 zoning    OR20 zoning is intended for a mixture of office and multifamily residential use 20 units per acre.  
  
Proposed Zoning  
RS7.5    RS7.5 zoning is intended for single-family houses at 4.9 units per acre.

SUBAREA 7 PLAN POLICY  
Residential Medium (RM) RM policy is intended for residential development at 4 to 9 dwelling units per acre. The intent of the policy is to conserve the existing residential character of the neighborhood.

Policy Conflict    No. The RS7.5 district allows residential development at 4.9 units per acre, which is consistent with the intent of the RM policy area.

RECENT REZONINGS    None

TRAFFIC            This property faces Park Avenue and has alley access in the rear.

Metro Traffic Engineer's  
Findings Approve

**Resolution No. 2003-16**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-010U-07 is **APPROVED (6-0)**:

The proposed RS7.5 district is consistent with the Subarea 7 Plan's Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre."

**13.    2003Z-013U-14**  
Map 85, Part of Parcel 19  
Subarea 14 (1996)  
District 14 (Stanley)

A request to change from R10 district to RM9 district a portion of property at 3021 Lebanon Pike, abutting the southern margin of Lebanon Pike, (5 acres), requested by Penny Campbell of Park Center, applicant, for the State of Tennessee.

Project No.        Zone Change 2003Z-013U-14  
Associated Case    None  
Council Bill        None  
Staff Reviewer    Hardison

Staff Recommendation    *Approve*

APPLICANT REQUEST            Rezone 5.0 acres from Residential (R10) to Residential Multi-Family (RM9) at 3021 Lebanon Pike.  
Existing Zoning  
R10 zoning        R10 zoning is intended for single-family homes and duplexes at 3.7 units per acre.  
Proposed Zoning  
RM9 zoning        RM9 zoning is intended for multi-family dwellings at 9 units per acre.

SUBAREA 14 PLAN POLICY  
Residential Medium (RM) RM policy allows four to nine dwelling units per acre.

Policy Conflict None. The Subarea 14 Plan defines this area as RM policy. The RM9 zoning will implement the intent of the RM policy. This property is located on the Clover Bottom Developmental Center campus. This rezoning will allow the construction of apartment-type housing units on the campus.

RECENT REZONINGS None

TRAFFIC Based on typical uses in RM9 districts, this proposed zoning would generate approximately 297 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve

SCHOOLS

Students Generated 5 Elementary 3 Middle 2 High School  
Schools Over/Under Capacity Students will attend Hickman Elementary School, Donelson Middle School, and McGavock High School. Hickman Elementary School, Donelson Middle School, and McGavock High School have not been identified as being overcrowded by the Metro School Board.

**Resolution No. 2003-17**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-013U-14 is **APPROVED (6-0)**:

**The proposed RM9 district is consistent with the Subarea 14 Plan's Residential Medium (RM) policy calling for residential development between 4 and 9 dwelling units per acre."**

**16. 2003Z-017U-07**  
Map 91-14, Parcels 200, 201 and 202  
Subarea 7 (2000)  
District 24 (Summers)

A request to change from R6 district to RS3.75 district properties at 224, 226 and 228 Orlando Avenue, abutting the eastern margin of Orlando Avenue, (2.63 acres), requested by Kim Hawkins of Hawkins Partners, applicant, for Bruce Harding and W. P. Kofahl et ux, owners. (See PUD Proposal No. 2003P-004-07 below).

Project No. Zone Change 2003Z-017U-07  
Associated Case PUD Proposal 2003P-004U-07 (Patina)  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 2.63 acres from Residential (R6) to Residential Single-Family (RS3.75) at 224, 226, and 228 Orlando Avenue.

Existing Zoning

R6 zoning R6 zoning is intended for single-family homes and duplexes at 6.17 units per acre.

Proposed Zoning

RS3.75 zoning RS3.75 zoning is intended for single-family homes at 9.8 dwelling units per acre.

SUBAREA 13 PLAN POLICY

Commercial Mixed

Concentration (CMC) CMC policy is intended for medium-high to high density residential, all types of retail trade, offices.

Policy Conflict None. The Subarea 7 Plan defines this area as CMC policy. Although, medium-high and high density residential uses usually are apartments and other multi-family uses, the RS3.75 zoning also fits within the

density range. This CMC policy is adjacent to an RM policy area, which has a density range of 4 to 9 units per acre. The RS3.75 zoning is at the high end of the RM policy and the low end of the RMH policy. The Subarea 7 Plan states “The ...Orlando Avenue area ... which has vacant and underutilized land and already contains medium-high density residential and commercial development. Property consolidation and redevelopment in these areas will reduce pressures for commercial expansion into residential policy areas.”

RECENT REZONINGS None

TRAFFIC With RS3.75 zoning the applicant would be allowed to construct 26 single-family dwellings, but the applicant is also proposing a PUD that would limit the development to 15 lots. The proposed 15 units would generate approximately 144 trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

SCHOOLS

Students Generated 2 Elementary 2 Middle 1 High School

Schools Over/Under Capacity Students will attend Charlotte Park Elementary School, J.T. Moore Middle School, and Hillwood High School. Charlotte Park Elementary, and Hillwood High have not been identified as being overcrowded by the Metro School Board. J.T. Moore Middle School has been identified as being overcrowded by the Metro School Board.

**Resolution No. 2003-18**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-017U-07 is **APPROVED (6-0):**

**The proposed RS3.75 district is consistent with the Subarea 7 Plan’s Commercial Mixed Concentration (CMC) policy that allows for medium-high and high-density residential uses. It is also adjacent to a Residential Medium (RM) policy area calling for residential development at 4 to 9 dwelling units per acre.”**

**17. 2003P-004U-07**  
Patina  
Map 91-14, Parcels 200, 201 and 202  
Subarea 7 (2000)  
District 24 (Summers)

A request for a preliminary Planned Unit Development district located at 224, 226 and 228 Orlando Avenue, abutting the east margin of Orlando Avenue, classified R6 and proposed for RS3.75, (2.63 acres), to permit the development of 14 single-family lots, requested by Hawkins Partners, for Shamricj Holdings Inc., owner. (See Zone Change Request 2002Z-017U-07 above).

Project Name Patina  
Project No. Planned Unit Development 2003P-004U-07  
Council Bill None  
Associated Cases 2003Z-017U-07  
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary PUD  Revised Preliminary  Revised Preliminary & Final PUD  
 Final PUD  Amend PUD  Cancel PUD

Preliminary PUD request for a 15-lot subdivision on 2.63 acres at a density of 5.7 units per acre.

Existing Zoning

R6 R6 is intended for single-family and duplex residential dwellings at 6.17 units per acre. The applicant has a request to change the zoning from residential (R6) to residential single-family (RS3.75).

PLAN DETAILS

Richland Creek Floodway and

Floodplain The applicant is providing the required 50-foot floodway buffer from the edge of the floodway. In addition to the 50-foot buffer from the floodway, the applicant is also providing an additional Greenway Buffer, which generally will be 25 feet in width. The Greenway buffer will be narrower than 25 feet where it would otherwise come onto the roadway. By providing the greenway buffer, the applicant is losing one lot to the buffer. The Parks department has indicated the provided greenway buffer is adequate.

Existing Roadways and Sidewalks The applicant is providing sidewalks along the existing Orlando Avenue. The applicant will not however, be widen the pavement on Orlando Avenue. Currently Orlando Avenue has a pavement width of 20 feet, staff is recommending that the applicant place the sidewalks at the ultimate width of the right-of-way (ROW). The current ROW is 30 feet and the required ROW is 46 feet. The applicant will be required to dedicate 8 feet along the frontage of Orlando Avenue.

New Roadways and Sidewalks The new roads within this subdivision will be constructed to Public Works standards for a minor local road. The roads within this subdivision will be private and maintained by the homeowners association. Within the subdivision, the applicant is including standard 5-foot sidewalks, a 4-foot planting strip, and a 30-inch curb and gutter. The streets as shown have curve radii of less than the standard 110 feet; Public Works has agreed to be more flexible with the curve radii standard on this private street. The applicant is providing a stub street to the adjacent property to the south for similar future development.

Lot Access None of the proposed lots will have access from Orlando Avenue. Access will come from within the development, 1-10 will have five shared access driveways, and lots 11-15 will have one shared access drive.

Lot Design and Layout The lots are designed with a 10-foot front setback, 5-foot side setback, and 18-foot rear setback. Lots will range in size from 3,750 to 7,000 square feet.

TRAFFIC With RS3.75 zoning the applicant would be allowed to construct 26 single-family dwellings, but the applicant is proposing this PUD that limits the development to 15 lots. The proposed 15 units would generate approximately 144 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

SCHOOLS

Students Generated 2 Elementary 2 Middle 1 High School

Schools Over/Under Capacity Students will attend Charlotte Park Elementary School, J.T. Moore Middle School, and Hillwood High School. Charlotte Park Elementary, and Hillwood High have not been identified as being overcrowded by the Metro School Board. J.T. Moore Middle School has been identified as being overcrowded by the Metro School Board.

CONDITIONS

Prior to the issuance of any permits, the Stormwater Management section of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.

The Homeowner's Association must maintain all the roads and sidewalks.

Preliminary PUD plan will show a 50-foot floodway buffer and an additional 25 feet for a greenway easement where possible. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted under 25 feet until the lot or roadway no longer intersect the buffer.

Preliminary PUD plan will show the existing lot 6 will not be shown as a lot on the final approved preliminary PUD plan.

Preliminary PUD plan will show the stub street will end at the property line.

Preliminary PUD plan will show the private alley a shared access driveway for lots 11 through 15.

### **Resolution No. 2003-19**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 2003P-004U-07 is **APPROVED WITH CONDITIONS** (6-0). The following conditions apply:

Prior to the issuance of any permits, the Stormwater Management section of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.

The Homeowner's Association must maintain all the roads and sidewalks.

Preliminary PUD plan will show a 50-foot floodway buffer and an additional 25 feet for a greenway easement where possible. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted under 25 feet until the lot or roadway no longer intersect the buffer.

Preliminary PUD plan will show the existing lot 6 will not be shown as a lot on the final approved preliminary PUD plan.

Preliminary PUD plan will show the stub street will end at the property line.

Preliminary PUD plan will show the private alley a shared access driveway for lots 11 through 15.”

### **PRELIMINARY SUBDIVISION PLATS**

#### **23. 2003S-020G-14**

Binkley ROW  
Map 85, Parcel 41  
Subarea 14 (1996)  
District 12 (Ponder)

A request for preliminary and final plat approval to subdivide one parcel into three lots abutting the south margin of Central Pike, approximately 737 feet east of Lebanon Pike, (6.04 acres), classified IWD and CS districts, requested by Odell and Mary Evelyn Binkley, Jr., owners/developers, John D. McCormick, surveyor.

Project No.        Subdivision 2003S-020G-14  
Project Name     Binkley Row

Associated Cases None  
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat  Preliminary & Final Plat  Final Plat

Subdivide 6.04 acres into three lots with a variance for sidewalk requirements.

ZONING

IWD zoning IWD zoning is intended for a moderate range of light manufacturing uses.

VARIANCES TO SUBDIVISION

REGULATIONS

Sidewalks A sidewalk is required on the frontage of lot 1 on Central Pike. A sidewalk is not required on lots 2 and 3 since these properties currently have structures on them and improving these lots is very unlikely. The applicant has requested a variance due to absences of sidewalks in this area and the amount of roadwork that would be required by Public Works standards to construct sidewalks in this location.

Sidewalk Construction Report

From Public Works At this location the applicant would not be required to widen the road but several utility poles and an elevated manhole would have to be relocated.

Recommendation Approve. Staff recommends approval of the sidewalk variance for lot 1 along Central Pike. Lot 1 is situated in the middle of the block, where Central Pike would have to be widened. Widening the road and building sidewalks only at this mid-block location on Central Pike would create an awkward and impractical situation that will not further the goal of an interconnected sidewalk network.

TRAFFIC ENGINEERS FINDINGS Approve

CONDITIONS Staff recommends conditional approval subject to a stamped approved copy of the subdivision plat from Metro Stormwater division of Water Services.

**Resolution No. 2003-20**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2003S-020G-14 is **APPROVED WITH CONDITIONS** (6-0). Staff recommends approval subject to the following condition:

Staff recommends conditional approval subject to a stamped approved copy of the subdivision plat from Metro Stormwater division of Water Services.”

**PLANNED UNIT DEVELOPMENTS (revisions)**

**27. 8-74-U-11**  
Jolly Ox Restaurant  
Map 120-1, Parcels 144 and 146  
Subarea 11 (1999)  
District 13 (Derryberry)

A request to cancel the Commercial Planned Unit Development district located abutting the western margin of Murfreesboro Pike, 330 feet north of Glengarry Drive, classified MUL district, (1.81 acres), approved for an 8,773 square foot restaurant and parking lot, requested by SunTrust Bank, owner for parcel 146.

Project No. Planned Unit Development 8-74-U-11  
Project Name Jolly Ox Restaurant



Council Bill None  
Associated Cases None  
Deferred/Deferred to the 1/23/03 MPC meeting to change the request and notify the adjacent property owner  
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST

Preliminary PUD  Revised Preliminary  Revised Preliminary & Final PUD  
 Final PUD  Amend PUD  Cancel PUD

The applicant has requested the cancellation of the existing PUD.

Existing Zoning

MUL zoning MUL is intended for a medium intensity mixed-use of residential, office and commercial uses.

CANCELLATION DETAILS When this application was originally submitted it was to cancel a portion (parcel 146) of the PUD would, which would render the adjacent property unusable. The adjacent parcel was the site of the Steak and Ale and Jolly Ox restaurants but has been reported to staff to be no longer in use due to fire damage. Without parcel 146, the existing restaurant use on parcel 144 does not have adequate parking. In 1974 when this PUD was approved, the restaurant had to provide 55 parking spaces, which was achieved by providing parking on parcel 146.

Staff recommended disapproval of the original request to cancel a portion of PUD. Staff is recommending approval of canceling the entire PUD, as this would not render parcel 144 unbuildable.

TRAFFIC Based on typical uses in MUL zoning such as office, multi-family, retail or restaurant, approximately 111 to 1,279 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic

Traffic Engineer's Findings Approve

**Resolution No. 2003-21**

“**BE IT FURTHER RESOLVED** by the Metropolitan Planning Commission that Proposal No. 8-74-U-11 is **APPROVED** (6-0).”

**28. 122-74-G-14**  
The Lakes Condominiums  
Map 109, Parcel 123  
Subarea 14 (1996)  
District 13 (Derryberry)

A request to revise a phase of the Residential Planned Unit Development district located abutting the east margin of Lincoya Bay Drive, east of Bell Road, classified RM15, (17.88 acres), to permit the development of 146 condominium units to replace the undeveloped 224 condominium units, requested by Barge-Cauthen and Associates, for Lakes Multi-Family Land LLC., owner.

Project No. Planned Unit Development 122-74-G-14  
Project Name The Lakes Condominiums, Phase II  
Council Bill None  
Associated Case None  
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD       Revised Preliminary       Revised Preliminary & Final PUD  
 Final PUD       Amend PUD       Cancel PUD

This request is to revise a portion of the preliminary plan to permit 146 single-family condominiums, replacing 224 multi-family apartments.

Existing Zoning

RM15/Residential PUD    The property is currently zoned RM15 with a Residential PUD overlay. The RM15 zone district allows a density of 15 units per acre. This revision will reduce the density of the PUD to 8.16 units per acre. The underlying RM15 base zoning permits the proposed use.

PLAN DETAILS The last revision of this portion of the PUD, approved 9/27/84, allowed 224 multi-family units. It also included a pool, clubhouse and tennis courts, which are no longer included on the plan. The existing phase 1 includes a separate amenity area.

Traffic Engineer’s Findings      Approval

CONDITIONS 1.      Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.

This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

**Resolution No. 2003-22**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 122-74-G-14 is **APPROVED WITH CONDITIONS** (6-0). The following conditions apply:

Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.

This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

**29. 62-87-P-06**  
Summit Oaks  
Map 128, Part of Parcel 169  
Map 142, Part of Parcels 343 and 344  
Subarea 6 (1996)  
District 23 (Bogen)

A request to amend the existing Residential Planned Unit Development district located abutting the west margin of Old Hickory Boulevard, north of Highway 70, classified R15 and OL, (4.49 acres), to permit the addition of 4.49 acres to the existing PUD for the creation of seven new single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Greater Middle Tennessee Development Partnership, owner.

Project No. Planned Unit Development 62-87-P-06  
Project Name Summit Oaks, Phase 4  
Council Bill None  
Associated Case None  
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD     Revised Preliminary     Revised Preliminary & Final PUD  
 Final PUD         Amend PUD             Cancel PUD

This request is to amend the existing residential PUD to permit the addition of 4.49 acres, the creation of seven new single-family lots and redesign four previously approved lots.

Existing Zoning

R15 zoning        The R15 district is intended for single and two-family residential development, requiring minimum lot sizes of 15,000 square feet.

RS20 zoning      The RS20 district is intended for single-family residential development, requiring minimum lot sizes of 20,000 square feet.

OL zoning        The OL district is intended for moderate intensity office development.

Traffic Engineer's Findings        Approve

PLAN DETAILS The land being added to the PUD includes 2.28 acres zoned R15 and 2.21 acres zoned OL. Section 17.36.060 C allows the location of uses allowed by base zoning within a PUD to vary from the conventional zoning boundaries. Seven new lots are allowed in the R15 zoning district to be added to the PUD. These seven lots are spread over the R15, OL and RS20 zone boundaries within the PUD.

The applicant proposes clustering the new lots in order to preserve the hillside. Section 17.36.070 allows a minimum lot size smaller than what is allowed by the cluster lot provisions, contained in 17.12.080 C., in return for extraordinary protection of environmentally sensitive areas in a natural state. The proposed lot sizes range from 6,708 square feet to 10,804 square feet. Of the additional 4.49 acres being added to this PUD, 4.28 acres will be preserved as open space. On the amended portion of the PUD, 4.28 acres of the 5.9 acres are preserved as open space. This exceeds the required 15% by providing 72% open space in this amended area.

SCHOOLS

Students Generated        1 Elementary    1 Middle        1 High School  
Schools Over/Under Capacity        Students will attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. None of these schools have been identified as overcrowded by the Metro School Board.

CONDITIONS 1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.  
 This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.  
 The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

**Resolution No. 2003-23**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 62-87-P-06 is **APPROVED WITH CONDITIONS** (6-0). The following conditions apply:

Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.  
 This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.  
 The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

**30. 2000P-003G-06**  
 Riverwalk Community  
 Map 126, Parcels 47, 47.01 and 48  
 Subarea 6 (1996)  
 District 23 (Bogen)

A request to amend the Planned Unit Development district located abutting the north margin of Newsom Station Road, south of the Harpeth River, classified RS15, (150.71 acres), to add seven additional single-family lots to Phase 2C and Phase 3, requested by Civil Site Design Group, for Riverwalk Partners, Inc., owner.

Project No. 2000P-003G-06  
 Project Name Riverwalk  
 Associated Cases None  
 Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD  Revised Preliminary  Revised Preliminary & Final PUD  
 Final PUD  Amend PUD  Cancel PUD

This is a request to amend a portion of the preliminary plan to allow the addition of 7 single-family lots in Phase 2C and Phase 3 changing the total of these two phases from 63 to 70 lots. The proposed increase in lots will increase the overall density of all phases to 1.75 dwelling units per acre from 1.73 dwelling units per acre.

ZONING

RS15 district/PUD The RS15 district requires a minimum lot size of 15,000 square feet and a maximum density of 2.5 dwelling units per acre. The Planning Commission and Metro Council approved the existing PUD in June 2000. The overall PUD currently is approved for 491 single-family lots and 61 townhomes (552 total) on 319 acres with an overall density of 1.73 dwelling units per acre.

**PUD CLUSTER LOT OPTION** Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (7,500 square feet) with the installation of landscape buffer yards along the perimeter lots less than 15,000 square feet.

The plan proposes lots that range in size from 9,000 to 19,000 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase.

**PLAN DETAILS** The proposed plan redesigns Phases 2C and 3, including the addition of 7 single-family lots. The lots in these phases have been shifted to allow more lots, while the overall design has not changed significantly.

**Subarea 6 Plan** These properties fall within the Draft Subarea 6 Plan's Residential Low Medium (RLM) policy calling for up to 4 dwelling units per acre. The property falls within the current Subarea 6 Plan's NC policy. Since the proposed changes do not increase the area of disturbance, this proposal is consistent with the existing Subarea 6 Plan, as well.

**VARIANCES** No variances requested.

#### **SCHOOLS**

Students Generated by the 7

Additional Lots 1 Elementary 1 Middle School 1 High School

**Schools Over/Under Capacity** Seven additional single-family lots could generate approximately 3 students. Students will attend Gower Elementary School, H.G. Hill Middle School and Hillwood High School. The Metro School Board has not identified any of these schools as being over capacity.

#### **TRAFFIC**

**Metro Public Works Findings** No exceptions taken.

#### **CONDITIONS**

1. A final plat was recorded with the first phase, including all necessary bonds for road improvements, and including the following off-site road improvements and land dedication:  
An eastbound left-turn lane from Newsom Station Road into the project site with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.  
A right-turn lane from McCrory Lane onto Newsom Station Road with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.  
A right-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.  
A left-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.  
Widening Newsom Station Road to rural collector standards with 20 feet of pavement width and 8 foot wide shoulders on each side of the road from the Riverwalk project entrance to the Boone Trace PUD entrance, with varying shoulder widths as approved by the Metro Traffic Engineer and in conformance with the approved construction plans. This improvement will include the straightening of the 90-degree curve in the road, the reverse curve, and will utilize the dedicated right-of-way along the frontage of the Boone Trace PUD. This does not include the portion of Newsom Station Road in front of the Lexington Point Subdivision, where a left-turn lane will be constructed by the developer of that site.  
Dedication of 5 feet of right-of-way along the frontage of this site on Newsome Station Road.  
Prior to or in conjunction with the submittal of any final PUD plans, the developer was required to submit to the Planning Commission construction plans for all of the Newsom Station Road/McCrory Lane improvements in condition #1 above. Road improvements A, B, C, D and part of E identified in Condition #1 above must be completed prior to the issuance of the building permit for the 120th unit or lot. This includes the section of Newsom Station Road from the Boone Trace entrance to the beginning of parcel 66 on tax map 126, a distance of approximately 1,440 feet. The remaining improvements to Newsom Station Road will be completed prior to the completion of the 196<sup>th</sup> unit or lot, excluding the left-turn lane into the Lexington Point Subdivision.

Prior to the completion of Phase 1, and prior to the issuance of the first Use and Occupancy permit in each subsequent phase thereafter, the developer shall conduct traffic count surveys to determine when actual traffic volumes meet signal warrants for a traffic signal at the Newsom Station Road/McCrory Lane intersection. These surveys shall be submitted to the Metro Planning Commission and the Metro Traffic Engineer for review and approval.

Prior to or in conjunction with the submittal of any final PUD plans for Phase 2A, the developer shall submit to the Planning Commission construction plans for the entire greenway trail, in conformance with the Metro Parks Department and Public Works specifications.

Prior to the issuance of any building permits for any portion of Phase 2, a final plat shall be recorded including all necessary bonds for public improvements and the greenway trail. This plat shall also include a conservation easement for the greenway trail, including all of the floodway adjacent to the proposed trail on the site. The plat shall include a 100-foot wide extension of the easement under the TVA lines to the associated trailhead parking lot, as agreed upon by the Metro Parks Department.

Prior to the issuance of a building permit for the 450<sup>th</sup> unit or lot, the greenway trail shall be completed by the developer and accepted by the Metro Parks Department. The trailhead parking lot, with 16 parking spaces, shall be bonded with the final plat for Phase 4 and completed prior to the issuance of any building permits for Phase 4.

Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.

#### **Resolution No. 2003-24**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Proposal No. 2000P-003G-06 is **APPROVED WITH CONDITIONS** (6-0). The following conditions apply:

A final plat was recorded with the first phase, including all necessary bonds for road improvements, and including the following off-site road improvements and land dedication:

An eastbound left-turn lane from Newsom Station Road into the project site with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.

A right-turn lane from McCrory Lane onto Newsom Station Road with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.

A right-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.

A left-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.

Widening Newsom Station Road to rural collector standards with 20 feet of pavement width and 8 foot wide shoulders on each side of the road from the Riverwalk project entrance to the Boone Trace PUD entrance, with varying shoulder widths as approved by the Metro Traffic Engineer and in conformance with the approved construction plans. This improvement will include the straightening of the 90-degree curve in the road, the reverse curve, and will utilize the dedicated right-of-way along the frontage of the Boone Trace PUD. This does not include the portion of Newsom Station Road in front of the Lexington Point Subdivision, where the developer of that site will construct a left-turn lane.

Dedication of 5 feet of right-of-way along the frontage of this site on Newsome Station Road.

Prior to or in conjunction with the submittal of any final PUD plans, the developer was required to submit to the Planning Commission construction plans for all of the Newsom Station Road/McCrory Lane improvements in condition #1 above. Road improvements A, B, C, D and part of E identified in Condition #1 above must be completed prior to the issuance of the building permit for the 120<sup>th</sup> unit or lot. This includes the section of Newsom Station Road from the Boone Trace entrance to the beginning of parcel 66 on tax map 126, a distance of approximately 1,440 feet. The remaining improvements to Newsom Station Road will be completed prior to the completion of the 196<sup>th</sup> unit or lot, excluding the left-turn lane into the Lexington Point Subdivision.

Prior to the completion of Phase 1, and prior to the issuance of the first Use and Occupancy permit in each subsequent phase thereafter, the developer shall conduct traffic count surveys to determine when actual traffic volumes meet signal warrants for a traffic signal at the Newsom Station Road/McCrory Lane intersection. These surveys shall be submitted to the Metro Planning Commission and the Metro Traffic Engineer for review and approval.

Prior to or in conjunction with the submittal of any final PUD plans for Phase 2A, the developer shall submit to the Planning Commission construction plans for the entire greenway trail, in conformance with the Metro Parks Department and Public Works specifications.

Prior to the issuance of any building permits for any portion of Phase 2, a final plat shall be recorded including all necessary bonds for public improvements and the greenway trail. This plat shall also include a conservation easement for the greenway trail, including all of the floodway adjacent to the proposed trail on the site. The plat shall include a 100-foot wide extension of the easement under the TVA lines to the associated trailhead parking lot, as agreed upon by the Metro Parks Department.

Prior to the issuance of a building permit for the 450<sup>th</sup> unit or lot, the greenway trail shall be completed by the developer and accepted by the Metro Parks Department. The trailhead parking lot, with 16 parking spaces, shall be bonded with the final plat for Phase 4 and completed prior to the issuance of any building permits for Phase 4.

Prior to the issuance of any building permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.”

## MANDATORY REFERRALS

### 31. 2003M-008G-04

Close Portion of Old Amqui Road  
Map 43-1, Parcel 8  
Map 43-5, Parcel 6  
Subarea 4 (1998)  
District 3 (Nollner)

A request to close a portion of Old Amqui Road from the west property line of Map 43-05, Parcel 006 to its terminus at the CSX railroad tracks, as requested by Ron Nollner, for Dowdy Layne, Eula Dickson, Mamie Wilson, Molly Pierce, Autry Lee, Richard Pierce, and Ruby Kelly, abutting property owners. (Easements to be retained)

Project No. Mandatory Referral 2003M-008G-04  
Project Name Close Portion of Old Amqui Road  
Council Bill None  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to receiving approval by all reviewing agencies.*

APPLICANT REQUEST A request to close a portion of Old Amqui Road from the west property line of Map 43-05, Parcel 006 to its terminus at the CSX railroad tracks, as requested by Ron Nollner, for Dowdy Layne, Eula Dickson, Mamie Wilson, Molly Pierce, Autry Lee, Richard Pierce, and Ruby Kelly, abutting property owners.

(Easements to be retained)

### APPLICATION REQUIREMENTS

*Application properly completed and signed? Yes*

*Abutting property owners sign application? Yes*

### DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION Approval, subject to receipt of approval from all reviewing departments and agencies.

**Resolution No. 2003-25**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-008G-04 is **APPROVED (6-0) with condition that a turn-around dedication must be provided prior to final Council approval.**"

**32. 2003M-009G-04**

Close Portion of East Campbell Road  
Map 43-1, Parcel 2  
Subarea 4 (1998)  
District 3 (Nollner)

A request to close a portion of East Campbell Road from 105 East Campbell Road, east to the CSX railroad tracks, (Map 43-01, Parcel 007), requested by Ron Nollner, abutting property owner. (Easements to be retained)

Project No. Mandatory Referral 2003M-009G-04  
Project Name Close Portion of East Campbell Road  
Council Bill None  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve closure of portion of East Campbell Road ROW from southwest tip of Map 43-01, Parcel 311 east to the CSX railroad tracks, and subject to receiving approval by all reviewing agencies.*

APPLICANT REQUEST A request to close a portion of East Campbell Road from 105 East Campbell Road (Map 43-01, Parcel 007) east to the CSX railroad tracks, as requested by Ron Nollner, abutting property owner.

(Easements to be retained)

**APPLICATION REQUIREMENTS**

*Application properly completed and signed? Yes*

*Abutting property owners sign application? Yes*

**DEPARTMENT AND AGENCY**

COMMENTS Planning Department and Public Works Department staff recommend only closing the portion of East Campbell Road from the southwestern tip of Map 43-01, Parcel 311 to the CSX tracks.

RECOMMENDATION Approval, subject to receipt of approval from all reviewing departments and agencies.

**Resolution No. 2003-26**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-009G-04 is **APPROVED (6-0).**"

**33. 2003M-013U-14**

Briley Parkway Water & Sewer Easement Acquisitions  
Map 84-15, Parcel 53  
Map 95-10, Parcel 112  
Map 95-14, Parcel 109  
Subarea 14 (1996)  
District 15 (Loring)



A request to acquire easements on Map 95-10, Parcel 112; Map 84-15, Parcel 53; and Map 95-14, Parcel 109 for the Briley Parkway Widening and Realignment Proposed Water & Sewer Interchange Improvements for Project Nos. 01-SG-92, 01-WG-89 Phase IV, 01-SG-91, and 01-WG-88 Phase V, and for Capital Improvement No. 96SG0005 / 96WG0005, as requested by the Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-013U-14  
Project Name Briley Parkway Widening/Realignment Water & Sewer Easement Acquisitions  
Council Bill None  
Associated Case None  
Project No. 01-SG-92, 01-WG-89 Phase IV, 01-SG-91, 01-WG-88 Phase V  
Capital Improvement No. 96SG0005 / 96WG0005  
Staff Reviewer Mitchell

Staff Recommendation *Approve*

**APPLICANT REQUEST**

A request to acquire easements on Map 95-10, Parcel 112; Map 84-15, Parcel 53; and Map 95-14, Parcel 109 for the Briley Parkway Widening & Realignment Proposed Water & Sewer Interchange Improvements for Project Nos. 01-SG-92, 01-WG-89 Phase IV, 01-SG-91, and 01-WG-88 Phase V, and for Capital Improvement No. 96SG0005 / 96WG0005, as requested by the Department of Water & Sewerage Services.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY  
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

**Resolution No. 2003-27**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-013-14 is **APPROVED (6-0).**"

**34. 2003M-014G-014**  
Rename Portion of Spring Branch Drive  
to Harbor Village Drive  
Map 34-3, Parcels 50, 51 and 93  
Subarea 4 (1998)  
District 10 (Balthrop)

A request by the Assistant Director of Metro Public Works to rename a portion of "Spring Branch Drive" to "Harbor Village Drive" at Map 34-7-A from Twin Hills Drive to its terminus at the Harbor Village development for improved E911 emergency efficiency and response and to reduce confusion.

Project No. Mandatory Referral 2003M-014G-04  
Project Name Rename Portion of "Spring Branch Drive" to "Harbor Village Drive"  
Council Bill None  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve*

**APPLICANT REQUEST**

A request by the Assistant Director of Metro Public Works to rename a portion of "Spring Branch Drive" to "Harbor Village Drive" at Map 34-7-A from Twin Hills Drive to its terminus at the Harbor Village development for improved E911 emergency efficiency and response and to reduce confusion.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY

COMMENTS

None

RECOMMENDATION

All reviewing departments and agencies recommend approval.

**Resolution No. 2003-28**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-014G-14 is **APPROVED (6-0).**"

**35. 2003M-015U-08**

Property Lease for Court Facilities  
(Additional Parking)  
Map 70-11, Parcel 7  
Subarea 8 (1995)  
District 20 (Haddox)

An Ordinance approving a lease agreement between Five Star Investments, L.P. and the Metropolitan Government of Nashville & Davidson County for certain real property located at 540 Mainstream Drive, for use as a temporary parking lot for the courts and related services at Metro Center, whereas Five Star Investments, L.P. proposes to lease the property for rental in the amount not to exceed \$179,250 for a term beginning on April 1, 2003, and ending on March 31, 2006, as requested by the Department of Public Property.

Project No. Mandatory Referral 2003M-015U-08  
Project Name Property Lease for Court Facilities (Additional Parking)  
Council Bill BL2003-1309  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

An Ordinance approving a lease agreement between Five Star Investments, L.P. and the Metropolitan Government of Nashville & Davidson County for certain real property located at 540 Mainstream Drive, for use as a temporary parking lot for the courts and related services at Metro Center, in an amount not to exceed \$179,250 for a term beginning on April 1, 2003, and ending on March 31, 2006.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY

COMMENTS

None

RECOMMENDATION

All reviewing departments and agencies recommend approval.

**Resolution No. 2003-29**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-015U-08 is **APPROVED (6-0).**"

**36. 2003M-016U-08**  
Property Lease for Court Facilities  
(Records Storage)  
Map 71-13, Parcel 15  
Subarea 8 (1995)  
District 20 (Haddox)

An Ordinance approving a lease agreement between Realmark Property Investors Limited Partnership V and the Metropolitan Government of Nashville & Davidson County for certain real property located at 230 Cumberland Bend Drive, for use as a temporary records operation for the courts and related services at Metro Center, whereas Realmark Property Investors Limited Partnership V proposes to lease the property for rental in the amount not to exceed \$114,396 for a term beginning on April 1, 2003, and ending on March 31, 2006, as requested by the Department of Public Property.

Project No. Mandatory Referral 2003M-016U-08  
Project Name Property Lease for Court Facilities  
(Records Storage)  
Council Bill BL2003-1310  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve*

**APPLICANT REQUEST**

An Ordinance approving a lease agreement between Realmark Property Investors Limited Partnership V and the Metropolitan Government of Nashville & Davidson County for certain real property located at 230 Cumberland Bend Drive, for use as a temporary records operation for the courts and related services at Metro Center, in an amount not to exceed \$114,396 for a term beginning on April 1, 2003, and ending on March 31, 2006.

**APPLICATION REQUIREMENTS**

None

**DEPARTMENT AND AGENCY**

**COMMENTS**

None

**RECOMMENDATION**

All reviewing departments and agencies recommend approval.

**Resolution No. 2003-30**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-016U-08 is **APPROVED (6-0).**"

**37. 2003M-017U-11**  
Close Willow Brook Drive and Portion of  
Thompson Lane Right-of-Way  
Map 119-11, Parcels 163-172  
Map 119-15, Parcels 123 and 124  
Subarea 11 (1999)  
District 16 (McClendon)

A request to close Willow Brook Drive from Thompson Lane southward to its terminus and to close a 940-foot portion of Thompson Lane Right-of-Way off of the eastbound lane between Map 119-11, Parcel 163 and Map 119-11, Parcel 172, as part of the Willowbrook Market Place PUD where a shopping center and grocery is scheduled to be constructed, as requested by Jay West of Bone, McAllester, Norton PLLC for JDN Development Company, Inc., contracted purchaser of all abutting properties. (Easements to be retained)

Project No. Mandatory Referral 2003M-017U-11  
Project Name Close Willow Brook Drive & Portion of Thompson Lane Right-of-Way  
Council Bill None  
Associated Case None  
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to receiving approval by all reviewing agencies.*

APPLICANT REQUEST A request to close Willow Brook Drive from Thompson Lane southward to its terminus and to close a 940-foot portion of Thompson Lane Right-of-Way off of the eastbound lane between Map 119-11, Parcel 163 and Map 119-11, Parcel 172, as part of the Willowbrook Market Place PUD where a shopping center and grocery is scheduled to be constructed, as requested by Jay West of Bone, McAllester, Norton PLLC for JDN Development Company, Inc., contracted purchaser of all abutting properties.

(Easements are to be retained)

**APPLICATION REQUIREMENTS**

*Application properly completed and signed? Yes*

*Abutting property owners sign application? Yes*

**DEPARTMENT AND AGENCY**

COMMENTS None

RECOMMENDATION Approval, subject to receipt of approval from all reviewing departments and agencies.

**Resolution No. 2003-31**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-017U-11 is **APPROVED (6-0) with condition that all properties must be consolidated by title prior to final Council approval.**"

This concluded the items on the consent agenda.

**PUBLIC HEARING**

**ZONING MAP AMENDMENTS**

- 5. 2002Z-122G-03**  
Map 69, Parcels 77 and 78  
Subarea 3 (1998)  
District 1 (Gilmore)

A request to change from RS15 district to AR2a district properties at Ashland City Highway (unnumbered), abutting the western margin of Ashland City Highway, (51.41 acres), requested by CJRT, Inc., applicant, for Terry and Kim Flatt, owners.

Mr. Kleinfelter stated staff is recommending the Commission consider deferral.

Project No. Zone Change 2002Z-122G-03  
Associated Case None  
Council Bill None  
Deferral Deferred 12/12/02  
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 51.41 acres from Residential (RS15) to Agricultural (AR2a) at Ashland City Highway (unnumbered).

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family dwellings at 2.47 units per acres.

Proposed Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses at 1 unit per 2 acres.

#### SUBAREA 3 PLAN POLICY

Natural Conservation (NC) NC policy is intended for mostly undeveloped areas of steeply sloping terrain, floodplains or other environmental features that are constraints to development at urban intensities. The area of these properties are around Whites Creek is classified NC due to both steep slopes and the floodway and floodplain of Whites Creek.

Policy Conflict

None. The Subarea 3 Plan states: “*NC policy is applied to the floodplains of Whites Creek and Ewing Creek because they are substantial floodplains that should be preserved to the greatest extent possible.*” By rezoning this property to AR2a the chance for a large residential development will be removed from this environmentally sensitive area.

RECENT REZONINGS None

TRAFFIC The proposed zone change would permit a total of 25 units. This number of units would create approximately 165 vehicle trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s

Findings Approve

#### SCHOOLS

Students Generated 4 Elementary 3 Middle 3 High School

Schools Over/Under Capacity Students will attend Bordeaux Elementary School, Ewing Park Middle School, and Whites Creek High School. Whites Creek High has not been identified as being overcrowded by the Metro School Board, but Bordeaux Elementary and Ewing Park Middle have been identified as being overcrowded.

Students Generated

By Existing RS15 21 Elementary 16 Middle 14 High School

Mr. Chris Utley complained the community was unaware this may be deferred today. He asked the Commission to adopt something today. He has been here 3 times and had items deferred that he was unaware of until he arrived.

Vice Chairman Small asked if he was in favor of a deferral.

Mr. Clifton asked if he had been here 3 times on this bill.

Mr. Utley said this is twice on this bill.

Mr. Clifton agreed there should be better way of contacting the public about deferrals. He stated he felt this should be deferred at this point.

Mr. Utley agreed with deferral.

Mr. Bernhardt stated it is over 50 percent in floodplain but this is a rezoning, not subdivision.

Mr. Tom White stated they will accommodate a deferral

Mr. Clifton moved and Ms. Nielson seconded motion, which carried unanimously, to defer this item until February 13, 2003.

Councilmember Black stated he and Councilmember Gilmore would put together a community meeting and then come back to the Commission

**7. 2003Z-005U-14**  
Map 121, Parcel 81  
Subarea 14 (1996)  
District 13 (Derryberry)

A request to change from CN district to CS district property at 2700 Couchville Pike at the intersection of Couchville Pike and Pleasant Hill Road, (0.85 acres), requested by Russell Eaton et ux, owner.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2003Z-005U-14  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Disapprove. The CS zoning does not implement the Subarea 14 Plan's OC policy.*

APPLICANT REQUEST Rezone 0.85 acres from Commercial Neighborhood (CN) to Commercial Services (CS) at 2700 Couchville Pike.

Existing Zoning

CN zoning CN zoning is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

Proposed Zoning

CS zoning CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

**SUBAREA 14 PLAN POLICY**

Office Concentration (OC) OC policy is intended for large concentrations of office development.

**Policy Conflict**

Yes. The Subarea 14 Plan defines this area as OC policy. The CS zoning will not implement the intent of the OC policy. Within this area of OC policy, the Subarea 14 Plan calls for some small retail uses that cater to office workers. The existing CN policy allows for the ancillary retail uses that will carry out the intent of the Subarea 14 Plan. By rezoning this property to CS, uses that do not directly cater to the office uses would be allowed. Uses allowed under the CS zoning that are not allowed under the CN zoning are auto sales and repair, light manufacturing and self-storage.

RECENT REZONINGS None

TRAFFIC Based on typical uses in CS districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.  
Traffic Engineer's Findings Approve

**Resolution No. 2003-32**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-005U-14 is **DISAPPROVED (6-0)**:

**The proposed CS district is not consistent with the Subarea 14 Plan's Office Concentration (OC) policy calling for office development. The existing CN district is appropriate for ancillary scale commercial development to serve the future office uses. The commercial zoning should not be intensified within the OC policy area."**

**8. 2003Z-006U-08**  
Map 92-8, Parcels 3, 3.01 and 4  
Subarea 8 (1995)  
District 19 (Wallace)

A request to change from IR district to MUL district properties at 810 17th Avenue North and 17th Avenue North (unnumbered), at the intersection of Fisk Street and 17th Avenue North, (3.44 acres), requested by Alan Cohen, applicant, for Walco Development, LLC.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2003Z-006U-08  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 3.44 acres from Industrial Restrictive (IR) to Mixed Use Limited (MUL) at 810 17<sup>th</sup> Avenue North and 17<sup>th</sup> Avenue North (unnumbered).  
Existing Zoning  
IR zoning IR zoning is intended for a wide range of light manufacturing uses.  
Proposed Zoning  
MUL zoning MUL zoning is intended for a medium intensity mixture of residential, retail, and office uses.

**SUBAREA 8 PLAN POLICY**

Neighborhood Urban (NU) NU policy calls for a mixture of residential and neighborhood scale commercial development.

**Policy Conflict**

Yes. The Subarea 8 Plan defines this area as NU policy, but the area is not part of an adopted Detailed Neighborhood Design Plan (DNDP). The Subarea 8 Plan calls for areas designated NU, but lacking a DNDP, to be zoned one of the following zoning districts: RS5, RS3.75, R6, RM9-RM20, or MUN at any location; or RM40 or MUL only if the site fronts on an arterial street with for or more lanes. Seventeenth Avenue North is not an arterial street, but it does have direct access to an arterial street (Charlotte Avenue). With the location of this property being within close proximity to Charlotte Pike, staff believes MUL zoning is appropriate.

**Standard Policy 2: RE:**

Nonconforming Development The Subarea 8 Plan has made a provision for zone change request that do not conform to the Subarea Plan, but are more consistent with the plan than the existing zoning on the property. The plan states the following: "*Proposals should be considered on their merits that involve sites in which: (1) the currently applicable land regulations allow development that is not in conformance with the "structure plan" and (2) the proposed change would apply regulations that would move toward conformance with respect to both the*

*types and intensity of development intended in that structure plan area based on the provisions in Table 12. Expansion of nonconforming development and regulatory changes that increase the degree of nonconformity on existing sites with nonconforming uses are inappropriate.*” The proposed MUL zoning is nonconforming to the structure plan, but it is closer to the intent of the plan than the existing IR zoning.

RECENT REZONINGS None

TRAFFIC Based on typical uses in MUL districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

Ms. Debbie Eaton and Councilmember Tony Derryberry spoke in favor of the proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing.

Mr. Clifton stated he didn’t feel the Commission could approve this because it is in violation of the Subarea Plan.

Mr. Clifton moved and Ms. Cummings seconded the motion, which carried unanimously, to disapprove.

Mr. William Morgan, President of John Bouchard and Sons Company, expressed concerns regarding the MUL zoning and the traffic that will be generated.

Mr. Alan Cohen, applicant, addressed the traffic concerns.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

**Resolution No. 2003-33**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-006U-08 is **APPROVED (6-0):**

The proposed MUL district is consistent with the Subarea 8 Plan’s Neighborhood Urban (NU) policy calling for MUL zoning in areas with access to an arterial street. Seventeenth Avenue North is not an arterial street, but it does have direct access to Charlotte Pike, which is an arterial street.”

Ms. Cummings left at 5:30 p.m., at this point in the agenda.

**11. 2003Z-011U-03**  
Map 69, Part of Parcels 34, 35 and 100  
Subarea 3 (1998)  
District 2 (Black)

A request to change from RS15 district to CS district portions of properties at 3837 Clarksville Pike and 3848 and 3854 Abernathy Road, at the intersection of Clarksville Pike and Abernathy Road, (6.29 acres), requested by Gus Richards, owner.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2003Z-011U-03  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison



Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 6.29 acres from Residential Single-Family (RS10) to Commercial Services (CS) at 3837 Clarksville Pike and 3848 and 3854 Abernathy Road.

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family homes at 2.47 units per acre.

Proposed Zoning

CS zoning CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

#### SUBAREA 3 PLAN POLICY

Retail Concentration

Community (RCC) RCC policy is intended to accommodate concentrations of community scale retail such as restaurants, retail, office, and financial uses.

Policy Conflict

None. The Subarea 3 Plan defines this area as RCC policy. The CS zoning will implement the intent of the RCC policy. The applicant is requesting this change in order to increase the size of parcel 36. The portions of parcels 34 and 100 will be consolidated into parcels 35 and 36.

RECENT REZONINGS None

TRAFFIC Based on typical uses in CS districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve

Ms. Gayle Wortham-Hatch spoke in opposition to the proposal and expressed concerns regarding Abernathy Road being a dead end and only turnaround is in a private drive, and loss of wildlife. She submitted a petition in opposition.

Mr. Gus Richards stated the property is too narrow after the TVA lines go across it to do anything with. It adjoins commercial property and all the immediate property should be commercial.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Councilmember Summers moved and Mr. McLean seconded the motion, which carried unanimously, to approve the following resolution:

#### **Resolution No. 2003-34**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-011U-03 is **APPROVED (6-0):**

The proposed CS district is consistent with the Subarea 3 Plan's Retail Concentration Community (RCC) policy intended to accommodate concentrations of community scale retail such as restaurants, and is intended to accommodate office and bank uses."

#### **12. 2003Z-012G-04**

Map 52-9, Parcel 61

Subarea 4 (1998)

District 8 (Hart)

A request to change from RS10 district to RM40 district property at 421 Due West Avenue, at the intersection of Due West Avenue East and Peter Pan Street, (0.27 acre), requested by Romie Lewis, owner.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2003Z-012G-04  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Disapprove as contrary to the General Plan. The RM40 district does not implement the intent of the RLM policy.*

APPLICANT REQUEST Rezone 0.27 acres from Residential Single-Family (RS10) to Residential Multi-Family (RM40) at 421 Due West Avenue.

Existing Zoning

RS10 zoning RS10 zoning is intended for single-family homes at 3.7 units per acre.

Proposed Zoning

RM40 zoning RM40 zoning is intended for multi-family dwellings at 40 units per acre.

#### SUBAREA 4 PLAN POLICY

Residential Low Medium (RLM) RLM policy allows two to four dwelling units per acre.

Policy Conflict Yes. The Subarea 4 Plan defines this area as RLM policy. The RM40 zoning would far exceed the densities intended under the RLM policy. This zone change would allow 11 units on this property. The Subarea 4 Plan states: *“Adjacent to this policy area are two locations where RMH policy is applied to existing multi-family developments. Higher density zoning associated with RMH policy should not extend into areas with a low-medium density development character.”*

Because the subject property is located in an area with low-medium density and within the RLM policy, staff recommends disapproval of the rezoning request.

RECENT REZONINGS None

TRAFFIC Based on typical uses in RM40 districts, this proposed zoning would generate approximately 72 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

#### SCHOOLS

Students Generated 1 Elementary 1 Middle 1 High School

Schools Over/Under Capacity Students will attend Stratton Elementary School, Neely’s Bend Middle School, and Hunters Lane High School. Neely’s Bend Middle, and Hunters Lane High have not been identified as being overcrowded by the Metro School Board. Stratton Elementary has been identified as being overcrowded by the Metro School Board.

Attorney for Mr. Romie Lewis, recapped the history of the property and explained the problems it would cause for Mr. Lewis if it is not approved.

Mr. Romie Lewis spoke in favor of the proposal.

Mr. John Wade, neighbor, representing area residents, spoke in opposition to the proposal and presented a petition in opposition.

Councilmember Summers moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan.

**Resolution No. 2002-35**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-012G-04 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The proposed RM40 district is not consistent with the Subarea 4 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. The RM40 district, which allows 40 dwelling units per acre, would far exceed the densities intended under the RLM policy."

**18. 2003Z-018U-08**

Map 81-16, Parcels 422-432, 438, 439, 471 and 476

Map 92-4, Parcels 23 and 24

Subarea 8 (1995)

District 19 (Wallace)

A request to change from CS and RM20 districts to MUL district properties at 1401 and 1405 Jefferson Street, 1311, 1313, 1404, 1406, 1408 and 1408 1 Meharry Boulevard, and 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039 and 1041 14th Avenue North, at the intersection of Meharry Boulevard and 14th Avenue North, (2.05 acres), requested by Michael Delvizi of Stantec Consulting Services, applicant, for Mathew Walker Comprehensive Health Center, Inc., and Clark Memorial Methodist Church, Inc., owners.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2003Z-018U-08  
Associated Case None  
Council Bill None  
Staff Reviewer Hardison

Staff Recommendation *Disapprove. Applying the MUL district to all parcels within this proposal is inconsistent with the Subarea 8 Plan, although it would be consistent for the parcels facing Jefferson Street. For the parcels that are south of Meharry Boulevard staff recommends disapproval of any nonresidential zoning district.*

APPLICANT REQUEST Rezone 2.16 acres from Residential Multi-Family (RM8) and Commercial Services (CS) to Mixed Use Limited (MUL) at 1311, 1313, 1404, 1406, 1408, 1408-1 Meharry Boulevard, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, and 1041 14<sup>th</sup> Avenue North, and 1401 and 1405 Jefferson Street.

Existing Zoning

CS zoning CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

RM20 zoning RM20 zoning is intended for multi-family dwellings at 20 units per acre.

Proposed Zoning

MUL zoning MUL zoning is intended for a medium intensity mixture of residential, retail, and office uses.

**SUBAREA 8 PLAN POLICY**

Neighborhood General (NG) NG policy is intended for mixed residential uses, civic activities, and low-rise public benefit uses.

Corridor Center (CC) CC policy is intended for commercial areas at the edge of a neighborhood, which extended along a major thoroughfare.

Policy Conflict

CC Policy None. For the property along Jefferson Street the MUL zoning is appropriate. This area is within the CC policy area, and the MUL zoning allows the commercial opportunities intended in the CC policy area.

NG Policy Yes. The Subarea 8 Plan's states the following for NG policy areas without a Detailed Neighborhood Design Plan (DNBP): "proposals for single-family residential developments, civic activities and low-rise public benefit uses may be considered on their merits. All proposals for residential development other than that cited above should meet all of the following criteria to be considered on their merits.

The proposal is at a location at which the type of development being sought is supported by a “Special Policy” listed below in this section.

The proposal is a combination of any conventional residential zoning district that yields no more than 20 units/acre and a Planned Unit Development overlay district, to assure appropriate design and that the type of development conforms with the intent for NG areas and the location in question.

No other “Special Policy” applies to the site that expressly makes an exception to this policy or does not support the proposal.”

The recently adopted Subarea 8 Plan does not support the applicant’s request for MUL zoning on the parcels that do not have frontage on Jefferson Street.

Special Policy 2 Special Policy 2 for this area states the following:

“In the Neighborhood General area along the north side of Meharry Boulevard between 12<sup>th</sup> and 17<sup>th</sup> Avenues North, development may include transitional land uses that support and enhance commercial development along Jefferson Street. Appropriate transitional uses (uses not otherwise intended in NG) include parking for development along Jefferson Street, and low- (1-3 story) to mid-rise (4-6 story) offices. In addition, mid-rise residential development is appropriate. Commercial retail and service activities are expressly not intended in this transition area. Transitional uses should be designed so as to minimize their impact on the adjoining residential development along the south side of Meharry Boulevard... Conventional zoning districts intended to accommodate transitional uses include OR40 or less intensive office districts and RM40 or lower intensity residential districts... Mixed use and commercial zoning districts are not appropriate.” *OR40 zoning for all parcels north of Meharry Boulevard would be consistent with the Subarea 8 Plan, however, that is not part of this request.*

RECENT REZONINGS None

TRAFFIC Based on typical uses in MUL districts, this proposed zoning would generate approximately 108 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

Mr. Jeff McKissick, representing Matthew Walker Health Clinic, gave some history of the organization and stated they have outgrown their present location.

Ms. Debbie Frank, Executive Director for the North Nashville Community Development Corporation, spoke in favor of the proposal and asked for approval.

Mr. Mike Delvizio, Stantec Consulting Services, explained the proposal request.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Mr. McLean questioned staff’s recommendation.

Mr. Hardison explained staff only recommended disapproval on part of the proposal.

Mr. Tyler stated a letter he received a letter that states this proposal fits in with the North Nashville Community Development Corporation Master Plan.

Councilmember Summers moved and Mr. McLean seconded the motion, which carried unanimously, to disapprove MUL or any other nonresidential zoning on parcels 23-24 on tax map 92-4, and parcels 438, 439, 471, 476 on tax map 81-16, approve OR40 on parcels 424-432 on tax map 81-16, and Approve MUL on parcels 422-423 on tax map 81-16.

#### **Resolution No. 2003-36**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-018U-08 is **APPROVED (6-0) MUL for Map 81-16, Parcels 422, 423, OR40 for Parcels 424, 432 and DISAPPROVED (6-0) MUL or any other nonresidential zoning for Parcels 438, 439, 471, 476 and Map 92-4, Parcels 23 and 24:**

***The proposed MUL district is consistent with the Subarea 8 Plan's Corridor Center (CC) policy along Jefferson Street, while it is not consistent with the Neighborhood General (NG) policy south of Meharry Boulevard which calls for residential development. OR40 is consistent with the Subarea 8 Plan's Special Policy 2 area on the parcels north of Meharry Boulevard.***

**19. 2003Z-025U-10**  
Map 117-12, Parcel 53  
Subarea 10 (1994)  
District 17 (Greer)

A request to apply the Neighborhood Landmark Overlay district to property at 3420 Belmont Boulevard, at the intersection of Belmont Boulevard and Woodmont Boulevard, classified R10, (1.04 acres), requested by Jonathan Bulter, applicant, for Alan J. McCracken, et ux.

Mr. Leeman stated staff recommends disapproval.

Project No. Zone Change 2003Z-025U-10  
Council Bill None  
Associated Cases None  
Staff Reviewer Leeman

Staff Recommendation *Disapprove. This proposal does not meet all of the criteria outlined in the Zoning Code for establishing the Neighborhood Landmark Overlay district.*

**APPLICANT REQUEST** Apply the Neighborhood Landmark Overlay District (NLOD) to 1.04 acres of property at 3420 Belmont Boulevard. A request to rezone this property from R10 to OL was disapproved by the Planning Commission at its November 14, 2002 meeting.

The applicant wishes to adaptively reuse the existing 8,055 square foot building for offices and/or medical offices.  
Existing Zoning

R10 zoning R10 zoning is intended for single-family and two-family residential with minimum lot sizes of 10,000 square feet with a maximum density of 3.7 dwelling units per acre.

Proposed Zoning

Neighborhood Landmark

Overlay District (NLOD) NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. Creating the NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission must then approve a Neighborhood Landmark Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

It is recognized as a significant element in the neighborhood and/or community;

It embodies characteristics that distinguish it from other features in the neighborhood and/or community.

Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;

Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;

Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;

Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

#### CRITERIA FOR

**CONSIDERATION** The home at 3420 Belmont Boulevard would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

The feature is a critical component of the neighborhood context and structure.

Retention of the feature is necessary to preserve and enhance the character of the neighborhood.

The only reason to consider the application of the NLOD is to protect and preserve the identified feature.

There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.

It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.

All other provisions of this section have been followed.

#### SUBAREA 10 PLAN POLICY

**Residential Low (RL)**

**Policy Conflict** Applying the NLOD is consistent with the RL policy in that it allows an existing building to be preserved to maintain the fabric of the neighborhood. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay.

**RECENT REZONINGS** Yes. There was a request to rezone this property from R10 to OL district (2002Z-111U-10). The Planning Commission disapproved this request as contrary to the General Plan on November 14, 2002, and the Metro Council deferred this item indefinitely on January 7, 2003. The Planning Commission found the OL district to be inconsistent with the Subarea 10 Plan's RL policy calling for low-density residential development. "RL policy was applied to these areas because, with the exception of some non-conforming development, it is developed residentially with densities at or below two dwelling units per acre" (page 49, Subarea 10).

**TRAFFIC** Woodmont Boulevard is classified as a U2 (Urban two-lane arterial) on the Major Street Plan. Currently, Woodmont Boulevard has two lanes with east and westbound left-turn lanes at the Belmont Boulevard intersection. There is also a westbound right-turn lane on Woodmont. Based on typical office uses and the existing 8,055 square foot structure, approximately 89 trips per day would be generated if used as an office (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Study Submitted** No. A traffic study may be required with submittal of the final master development plan to the Planning Department for review and approval.

**Metro Traffic Engineer's Findings** N/A

#### STAFF FINDINGS

**Background** The building on this lot was used as a day care center from 1991 to 2002, as approved by the Board of Zoning Appeals (BZA).

**Recommendation** Staff believes this application fails to meet the requirements of 17.40.160, outlined above. Accordingly, staff recommends that the Commission recommend disapproval of the application for the Neighborhood Landmark Overlay District.

**Community Involvement** The neighborhood residents must be participants in determining some of the criteria for application of the NLOD and, in staff's view, their support is also critical since the neighborhood is an important benefactor of the overlay district. Staff attended a community meeting where the different options for this property were discussed. The application for the NLOD had not been filed at the time of the meeting, however.

**Extent of Staff Review** There is no requirement that a specific plan be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for the overlay district and ensuring that the criteria for Planning Commission approval have been met.

Mr. John Viola, Mr. Joseph Bate, Ms. Joy Viola, Ms. Jean Deadmon spoke in opposition to the proposal.

Ms. Lisa Zito stated she was not exactly opposed to the proposal and that an office would be a better use for the property than the day care center that is there now.

Ms. Jean McCracken, property owner, this overlay would reduce traffic and preserve the architecture of the building.

Mr. Alan McCracken, applicant, explained his plans.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing.

Ms. Nielson stated this overlay was adopted with enough conditions that the Commission could look at each case individually. This case does not meet those conditions.

Mr. McLean asked if approval of the overlay would be permanent.

Mr. Leeman stated it depends and is debatable. If the use changes it would come back before the Commission because you have last say.

Mr. Clifton stated he didn't feel this fits the overlay concept.

Vice Chairman Small stated he was involved in the Landmark Overlay District approval and discussion in the beginning and agreed with Mr. Clifton that this does not fit the conditions.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to disapprove.

**Resolution No. 2003-37**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-025U-10 is **DISAPPROVED (6-0)**:

The Neighborhood Landmark Overlay District (NLOD) is intended "to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character." This proposal does not meet all of the criteria outlined in the Zoning Code for establishing the NLOD."

**PRELIMINARY SUBDIVISION PLATS**

**21. 2002S-339U-10**  
Glen Echo, Resubdivision of Lot 12  
Map 117-15, Parcel 11  
Subarea 10 (1994)  
District 25 (Shulman)

A request for preliminary plat approval to subdivide one lot into three lots abutting the northwest margin of Hillmont Drive, approximately 125 feet northeast of Glen Echo Road, (.89 acres), classified R10 district, requested by Eugene Collins, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Mr. Mitchell stated staff recommends disapproval.

Project No. Subdivision 2002S-339U-10  
Project Name Glen Echo Resubdivision of Lot 12  
Associated Cases None  
Staff Reviewer Mitchell

Staff Recommendation *Disapprove as contrary to the Subarea 10 Plan's RL (Residential Low-Density) land use policy and for failure to pass Lot Comparability tests for minimum lot size and minimum lot width. In addition, staff recommends disapproval of the requested sidewalk variance along Hillmont Drive.*

APPLICANT REQUEST

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide a 0.89-acre tract into a 3-lot subdivision, at a proposed density of 3.4 dwellings units per acre, as well as a subdivision variance granting relief from requirements for sidewalk, curb, and gutter along existing roadway.

ZONING            R10 district, requiring a minimum lot size of 10,000 square feet

SUBAREA 10 POLICY

*RL (Residential Low-Density)*      This subdivision falls within the Subarea 10 Policy's Residential Low-Density (RL) policy. The RL policy was applied to this area because it is developed residentially with densities at or below 2 dwelling units per acre. According to the Subarea 10 Plan, "the intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas...and the plan recommends that the prevailing character and densities of these areas be conserved." The proposed plan provides a density of 3.37 dwelling units per acre. Even if one lot was removed, the density would still exceed 2 dwelling units per acre because the proposed density would be 2.24 dwelling units per acre.

SUBDIVISION DETAILS            The 0.89-acre tract lies along the north margin of Hillmont Drive, and just north of Glen Echo Road. The applicant is proposing three lots, ranging from 43.3 to 51.7 feet in width, and lot sizes ranging from 12,519 sq. ft. to 13,292 sq. ft.

SUBDIVISION VARIANCES

(Sec. 2-6.1, Sidewalks)      The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties. The applicant has requested a sidewalk variance due to the absence of sidewalks along Hillmont Drive and the amount of roadwork that would be required to meet Metro Public Works sidewalk construction standards.

(Sec. 2-4.7, Lot Comparability)      Having run a lot comparability study for the proposed subdivision, staff finds that all three lots fail the minimum lot width requirement. The comparability test, which takes into account the lot frontage on lots within 300 feet of the subject lot, requires that each lot provide not less than 103 feet of lot frontage.

Regarding minimum lot size under the lot comparability test, all three lots fail the test by not providing a minimum lot size of 28,230 sq.ft.

(Sec. 2-4.2[E], Lot Dimensions)      Each proposed lot does not pass the "4:1 Rule", which requires that the lot width, at the front yard line, shall not be less than 25% of the average lot depth. Based on the depths of the proposed lots, the 4:1 Rule calls for minimum lot widths – at the front yard line – to range from 59.6 feet to 63 feet.

TRAFFIC ENGINEER'S

FINDINGS            Recommends approval

SIMILAR CASE A similar case (Glen Echo, Resubdivision of Lot 17) was brought before the Metro Planning Commission in October of 1995 and then again in February of 1996. In both attempts, the application was disapproved by the Planning Commission because of failed lot comparability tests and because the requested subdivision was contrary to the General Plan.

Mr. Floyd Price, representing Eugene Collins, spoke regarding the history of subdivisions in this immediate area. These will be single family homes if the proposal is approved. He presented petitions in favor of the proposal.

Mr. John Brittingham spoke in opposition to the proposal and stated this subdivision would make the lots look like bowling alleys and is not in keeping with a subdivision.



Mr. Russell Parham, Hillmont resident, stated this is a great neighborhood and the residents have had to fight to keep it that way. He stated he was speaking for 10 families that would like to have two single-family homes rather than anything else.

Mr. Eugene Collins, property owner, explained the history of his attempts

Ms. Delores Denard stated the homes that Mr. Collins has built on Glen Echo have greatly improved the neighborhood.

Ms. Cindy Lockhardt stated the new homes will be a great addition to the neighborhood.

Barry Quinn, Barge, Waggoner, Sumner and Cannon, Inc. explained the plan.

Mr. A. M. Lucas, area resident, stated he owns 5 houses in the area and spoke in favor of the proposal.

Mr. Clifton moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing.

Mr. Clifton questioned the sidewalk variance.

Mr. Mitchell stated staff recommended disapproval because there is potential pedestrian traffic on Hillmont and Glen Echo and it is close enough to the corner that staff felt the sidewalks should be built.

Councilman Summers asked if this could be deferred to have staff look at the bigger picture of the area.

Ms. Nielson stated she feels this is premature.

Mr. McLean moved to approve the subdivision and disapprove the sidewalk variance request, which failed from lack of a second.

Mr. Clifton stated he would like to think about this for a while.

Vice Chairman Small stated he didn't feel like the Commission would learn anything by deferring until the next meeting.

Mr. Clifton moved and Councilman Summers seconded the motion to defer, which carried with Mr. McLean and Mr. Tyler in opposition.

## **FINAL PLATS**

**25. 2000S-026G-14**  
Cole's Retreat, First Revision  
Map 76-13, Parcel 5  
Map 87-10, Parcel 7  
Subarea 14 (1996)  
District 12 (Ponder)

A request for final plat approval for five lots abutting the east terminus of Wonderland Pass, approximately 100 feet east of Tulip Grove Road, (2.08 acres), classified RS15 district, requested by Arnold A. and Alice Faye Cole, owners/developers, Michael Moran, surveyor.

Ms. Fuller stated staff recommends approval with conditions.

Project No.	Subdivision 2000S-26G-14
Project Name	Cole's Retreat
Associated Cases	None

Staff Reviewer Fuller

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat     Preliminary & Final Plat     Final Plat

This is a plat of a recently recorded 5-lot subdivision. This request is back before the planning commission to remove the requirement for sidewalks from the plat.

**SUBDIVISION DETAILS**        This subdivision extends the existing street of Wonderland Pass. Wonderland Pass was built with sidewalks on the north side of the street only. In, 2001 when the preliminary plat was approved staff wanted the street to be extended as a stub out through the remainder of the property. Staff with the applicant and verified with Public Works that this street extension would be difficult given the property's topography. These lots are proposed on one side of a hill. It was determined that the likelihood of any stub-out street extending further to the east is remote. However, staff

Recommended approval of that plat provided the applicant revised the plat to show the required sidewalk (5 feet) and landscape strip (4 feet) along the Wonderland Pass extension, including the proposed cul-de-sac. In November of last year, staff approved and recorded a final plat showing these required improvements.

**SIDEWALK VARIANCES**        The applicant has submitted a new plat removing the sidewalk completely from the final plat. The applicant has asked for the variance on the basis that if sidewalks were required the steepness of terrain in the area would cause extensive grading, loss of natural trees and vegetation, and would result in steep driveways.

**STAFF RECOMMENDATION**    The existing section of Wonderland Pass has sidewalks on one side of the street. Staff recommends that the sidewalk be required on one half of the cul-de-sac to match the existing street. The recommended variance would grant relief from the sidewalk requirement for lots 4, 5 and half of lot 3.

**CONDITION**        Subject to a revised plat prior to recordation showing the sidewalk and grass strip on lots 1, 2 and half of lot 3.

Mr. Arnold Cole, property owner, spoke in favor of the proposal and asked for the sidewalk variance.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Mr. McLean moved and Councilman Summers seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2003-39**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-026G-14 is **APPROVED (6-0) WITH CONDITIONS AND THAT A SIDEWALK IS TO BE CONSTRUCTED ALONG LOTS 5, 4, AND 3 UP TO THE DRIVEWAY.**

Staff recommends approval subject to the following condition:

Subject to a revised plat prior to recordation showing the sidewalk and grass strip on lots 1, 2 and half of lot 3.”

**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 8:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Minute approval this 13<sup>th</sup> day of February 2003

