



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission
January 8, 2004**

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II
Abby Scott, Planner I
Chris Wooton, Planning Technician I
Cynthia Wood, Planner III
Keith Covington, Planner III

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to adopt the agenda.
Approved 9-0

III. APPROVAL OF DECEMBER 11, 2003 MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the December 11, 2003 minutes. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Tygard spoke in reference to Zone Changes 2004-008G-06 and 2004P-002G-06 (Items #14 and 15). He mentioned that these two zone changes adjoin his district and are located in Councilmember Eric Crafton's district. He stated that there are concerns from the constituents regarding the density of the proposal as well as connectivity issues of Old Charlotte Pike.

Councilmember Tygard spoke in opposition to staff's recommendation for Zone Change 2004Z-009U-06 – Item #16. He stated that he advertised this development proposal in his Community newspaper and did not receive any calls of opposition and feels that the project is not premature for the area.

Councilmember Tygard also spoke in favor of Zone Change 2004Z-014G-06 (Item #20).

Stewart Clifton arrived at 4:09

Councilmember Bradley spoke in favor of the request for the Commission to rehear the Hamilton Church Subdivision proposal, which is Item #43 - 2003S-254U-13.

Councilmember Gotto spoke in reference to Zone Change 2004Z-001G-14 (Item #10). He indicated that he would be working with property owners, the developer, as well as the community regarding this project. He will be holding a community meeting to settle the issues associated with the development. He did not make a specific recommendation to the Commission.

Councilmember Gotto also spoke in favor of Subdivision Plat No. 2004S-013G-14 (Item #23). Councilmember Whitmore spoke in favor of Zone Changes 2004Z-025U-10 and 2004UD-001U-10. He indicated that if the proposals were approved and once they were completed, that this area would be of the envy of all of Nashville.

Councilmember Burch spoke in favor of Final Plat 2003S-289G-14 (Item #6) but requested that the Commission approve this proposal without the sidewalk requirement. Due to the topography of the land, the placement of the lot, etc. he was not in support of the sidewalk requirement. He stated that he received approval from the Neighborhood Association of this proposal without the sidewalk requirement.

Councilmember Toler spoke in reference to Subdivision Plat No. 2004S-015G-12 (Item #25). He stated that the proposal is consistent with the area and he would like to make sure that the condition that there will be no access to Culbertson Road is adhered to regarding this proposal.

Councilmember Foster spoke in favor of Zone Change 2004Z-011U-12 (Item #17). He stated that he will be holding a community meeting regarding this proposal.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

2. 2003Z-147U-05 R6 to RM6, 1017 & 1021 Spain Avenue – Deferred indefinitely
3. 2003Z-148G-06 R40 to CS, 5731 River Rd., River Rd. (unnumbered), Charlotte Pk. unnumbered) – Deferred to January 22, 2004
7. 102-86-P-06 Riverside, S. of Northridge Dr., W. of Morton Mill Rd – Deferred indefinitely
8. 2003Z-032G-14 R10 to CL, 305, 309 & 315 Old Lebanon Dirt Rd – Deferred to January 22, 2004
9. 2003S-080U-12 AR2a to RM9, 91 Tusculum Road – Deferred to February 12, 2004
23. 2004S-013G-14 Summit Woods, E. of Tulip Grove Rd., 400' N. of Tulip Grove Ln – Deferred indefinitely
24. 2004S-014G-06 Collins Crest – Deferred to January 22, 2004
28. 2004S-021U-13 Mark Marshall One, E. of Murfreesboro Pk, S. of Edge-O-Lake Dr. – Deferred to January 22, 2004
29. 2001UD-001U-12 Lenox Village Phase 5 – Deferred to January 22, 2004

Ms. Nielson moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the deferred and withdrawn items of the agenda. (10-0)

VI. PUBLIC HEARING: CONSENT AGENDA

PRELIMINARY SUBDIVISION PLATS

5. 2003S-047G-14 Hager Glen Subdivision - Approve with conditions

ZONING MAP AMENDMENTS

11. 2004Z-002U-08 CS to MUL, 1708 Jefferson St. - Approve
12. 2004Z-006U-06 R15 to CL, 631 Old Hickory Blvd. - Approve with conditions
13. 2004Z-007U-09 IG to MUI, 823 3rd Avenue North - Approve
19. 2004Z-013G-06 OR20 to CL, 7096 Old Harding Pk. – Approve

PRELIMINARY SUBDIVISION PLATS

26. 2004S-016G-12 Addition to Barnes Cove, south of Barnes Rd., east of Nolensville Pk. - Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions)

- 30. 28-79-G-13 Hickory Highlands Phase V, Section 1, west of Rural Hill Rd. - Approve with conditions
- 31. 61-84-G-06 Kroger Southeast Shopping Center, SE corner of Old Hickory Blvd. & Hwy. 70S - Approve with conditions
- 33. 88P-034G-06 Bellevue Professional Park, NE of Sawyer Brown Rd. and U.S. Hwy. 70S - Approve with conditions
- 35. 2004P-003U-10 The Basement, east of 8th Ave. South - Approve with conditions

MANDATORY REFERRALS

- 36. 2004M-001G-14 Water Line Easement on Alvin Sperry Road - Approve
- 37. 2004M-002U-12 Acquisition of Property on Edmondson Pike - Approve with conditions
- 38. 2004M-003G-02 Sewer Easement Acquisition on Nolensville Pike – Approve

OTHER BUSINESS

- 40. Southeast Corridor Alternatives Analysis contract - Approve
- 41. Grant Agreement between TDOT and the MPC on behalf of the MPO for Short-Range Transit Planning Coordination Activities - Approve
- 42. Grant Agreement between TDOT and the MPC on behalf of the MPO for 2004 Transportation Planning - Approve

Mr. Lawson explained to the audience that if an item is removed from the consent agenda at the request of a member of the audience, the request will only be presented and discussed if the person that requested to remove the item from the consent agenda is present at the meeting. Otherwise the item will be placed back on the consent agenda and will receive the recommended action suggested by the Planning Department.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Consent Agenda, with the removal of Item #19 – 2004Z-013G-06 at the request of Commissioner Jones. **(10-0)**

VII. PUBLIC HEARING: A REQUEST TO AMEND THE ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE (Deferred from meeting of December 11, 2003)

Staff Recommendation - *Approve*, but retain Natural Conservation policy along Mill Creek Floodplain.

REQUEST - Amend the Antioch-Priest Lake Community Plan: 2003 Update.

Background - Staff has received a request to amend the Antioch-Priest Lake Community Plan: 2003 Update. The property in question is a 40.18 acre parcel located on the south side of Franklin Limestone Road adjacent to Mill Creek. The applicant is Joe McConnell of MEC, Inc. This property is also the subject of a zone change request, 2003Z-135U-13, which is on this agenda. The request is to change the property’s land use policies from Natural Conservation (NCO), Industrial (IN), and Residential Low-Medium Density (RLM) to Residential Medium Density (RM).

Natural Conservation policy allows for very low density residential development and agricultural and open space uses. Industrial policy allows for industrial, warehousing and distribution uses. Residential Low-Medium Density policy allows for residential development at densities between 2 and 4 dwelling units per acre. Residential Medium Density policy allows for residential development at densities between 4 and 9 dwelling units per acre.

Staff believes that the request to change to Residential Medium Density policy is warranted, but that the Natural Conservation policy should be retained along the floodplain of Mill Creek in order to protect it. With reference to the property’s suitability for Residential Medium Density policy, it adjoins Residential Low-Medium Density policy

to the south and east and would thus be a continuation of surrounding residential development. The property has direct access to a collector street, which is a good level of access for RM policy.

To date, staff has not been contacted by anyone from the public who has expressed either support for or opposition to this proposal.

Please see below for a graphic showing the property recommended to be changed to Residential Medium Density and Natural Conservation policies.

Ms. Wood presented and stated that staff is recommending approval of the amendment of the Antioch Priest Lake Community Plan: Update 2003 as well as the approval of associated case Zone Change 2003Z-135U-13 (Item #1).

Ms. Wood stated that the Planning Department held a Community meeting earlier in the week regarding this amendment and only three people attended. She stated that there was opposition to the development due to compatibility and stormwater drainage issues.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the request to amend the Antioch-Priest Lake Community Plan. (10-0)

[Note: The Antioch Priest Lake Community Plan: Update 2003 and Zone Change No. 2003Z-135U-13 were heard and discussed by the Commission at the same time. See Item # 1 for action and resolution for Zone Change No. 2003Z-135U-13.]

Resolution No. 2004 –002

“BE IT RESOLVED by the Metropolitan Planning Commission that amendment of the Antioch Priest Lake Community Plan: Update 2003 is **APPROVED. (10-0)**”

VIII. PUBLIC HEARING: A REQUEST TO AMEND THE SUBAREA 10 PLAN: 2004 UPDATE

Staff Recommendation - Approve

REQUEST - Amend the Subarea 10 Plan

Background - Staff has requested to amend the land use policy of the Subarea 10 Plan as the result of an intense study and charrette. The amended policies are proposed for implementation by zone changes and urban design overlays. The property in question is 56.47 acres bounded by 29th Avenue North on the east and I-440 on the west and Fairmont Place, Hillcrest Place, West End Circle, Hedrick Street, and Poston Avenue on the south and Parthenon Avenue on the north. This property is also the subject of a proposed zone change request, 2004Z-025U-10 and Urban Design Overlay on this agenda, 2004UD-001U-10, on this agenda. The Subarea amendment would change the property’s land use policies from Residential Medium High Density (RMH), Residential High Density (RH), and Office Concentration (OC) to Neighborhood General (NG), Neighborhood Center (NC), and Neighborhood Urban (NU).

Residential Medium High Density policy allows for residential development between nine and twenty dwelling units per acre, Residential High Density policy allows for residential development above twenty dwelling units per acre, and Office Concentration policy allows for large concentrations of office development. Neighborhood General policy allows for a mix of carefully placed, residential building types, Neighborhood Center policy allows for a mix of uses intended to create a walkable, local center of activity. Neighborhood Urban policy allows for a dense mix of uses. A mix of office and residential uses are intended for the area proposed for Neighborhood Urban policy. The proposed policies for this area, together, allow for the creation of a pedestrian-friendly neighborhood that encourages an appropriate mix of compatible uses and building types that are consistent with the location, access, and amenity characteristics of the area.

Staff supports this amendment. The current policies allow for high density residential and office uses. The area has a well-connected street system that provides access to two arterials 31st Avenue North and West End Avenue, which

is a good level of access for these policies. This area has been in transition from predominantly, low-density single-family development to high-density multi-family and office development for approximately thirty years. Current multi-family zoning has allowed a haphazard collection of apartments, condominiums, and converted single-family dwellings. The area's location, especially its proximity to Centennial Park and the West End Corridor, make it the appropriate location for high quality, high density, urban development. Under the proposed policies implemented by rezonings and an urban design overlay, any new development in the area must be accompanied by an appropriate design plan and must meet Metro codes, policies, and other guidelines for development.

Please see below for a graphic showing the property recommended to be changed to Neighborhood General (NG), Neighborhood Center (NC), and Neighborhood Urban (NU) policy.

Mr. Covington presented and stated that staff is recommending approval of the Subarea 10 Plan Update, as well as the approval of associated cases 2004Z-025U-10 – (Item #20), and 2004UD-001U-10 – (Item #21).

Mr. John Mogan, President of the Neighborhood Association spoke in favor of the design overlay.

Ms. Margaret Bean, 3127 Bellwood Avenue, spoke in favor of the plan.

Mr. JR Corby, 127 31st Avenue, spoke in favor of the amendment.

Mr. David Medovich, 3129 Belwood Street, stated he supported this plan.

Ms. Tami McInerney, 204 Burns Ave, spoke in favor of the plan.

Ms. Judy Johnson, 205 30st Avenue North, spoke in favor of the proposal but would like to see a proposal with less density.

Ms. Karen Lovell, Huntsville, AL representing her grandmother who resides at 3210 Long Blvd. expressed her support.

Mr. Ben Fowler, 3314 West End Avenue, spoke in support of the overlay, however, he did express concerns regarding traffic issues regarding the proposal.

Mr. Sweat asked for clarification on the floor/area ratio.

Mr. Covington explained this term.

Mr. Sweat expressed concerns on the green space located in the area and its preservation.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the request to amend the Subarea 10 Plan, 2004 Update. (10-0)

Ms. Nielson moved and Mr. Sweat seconded the motion, which passed unanimously to approve Zone Change 2004Z-025U-10 and the Urban Design Overlay 2004UD-001U-10. (10-0)

Resolution No. 2004 –003

“BE IT RESOLVED by the Metropolitan Planning Commission that the request to amend the Subarea 10 Plan is **APPROVED. (10-0)**”

IX. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS

- 1. 2003Z-135U-13**
Map 148, Parcel 66

Subarea 13 (2003)
District 28 (Alexander)

A request to change from AR2a district to RM6 district property located at Franklin Limestone Road (unnumbered), abutting the south margin of Franklin Limestone Road and Mullins Road (40.18 acres), requested by Joe McConnell, MEC Inc., applicant, for Gold Star Development, Inc., owner. (Deferred from meeting of December 11, 2003).

Staff Recommendation - Approve, subject to approval of the Antioch-Priest Lake Community Plan Amendment.

APPLICANT REQUEST - Rezone 40.18 acres from agricultural residential (AR2a) to residential multi-family (RM6) district property at Franklin Limestone (unnumbered).

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY - SUBAREA PLAN AMENDMENT

Residential Medium (RM)-RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. The proposed zoning district is consistent with the Antioch-Priest Lake Community Plan Amendment. This zoning district would serve as a transition between the industrial and residential zoning along Franklin-Limestone Road. The west portion of the property is consumed by floodway and floodplain. Development of this site should follow the floodway and floodplain guidelines in Section 17.28.040 (A) (see below).

RECENT REZONINGS - Yes. Parcel 288 to the east was rezoned from R8 to RS7.5 in May 2001.

TRAFFIC - Based on the trip generation numbers for residential multi-family (RM6), this proposal is expected to generate approximately 1598 daily trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations - Request zone change from AR2a to RM6

Current Zoning AR2a, Peak Adj. Street Traffic (Code 210, single family home)
AM trips = 15 PM trips = 21

Proposed Zoning RM6, Peak Adj. Street Traffic (Code 210, single family home)
AM trips = 181 PM trips = 244

Or if multi-family (Code 22, apartments)
AM trips = 123 PM trips = 149

Public Works' Recommendation - "With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations."

Planned Roadway Capital Improvements:

Location	Project	Funding	Projected Date
Franklin Limestone Road	Franklin Limestone	Proposed G.O. Bonds	FY05-06

	Road and related Mill Creek to Murfreesboro Pike to Mullins Rd. Phase 1		
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SCHOOLS 17 Elementary 12 Middle 10 High

Schools Over/Under Capacity - Students would attend Una Elementary, Apollo Middle School and Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

Planned School Capital Improvements:

Location	Project	Projected Date
Apollo Middle School	Renovation	FY05-06
Antioch Cluster	Construct a new middle school for 800 students on a new site in Southeast Davidson County	FY03-04

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:

1. “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).
2. “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).
3. 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).
4. “All development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, . . . shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state.” 17.28.040(A) (emphasis added).

Approved, 10-0 (Along with VII – Public Hearing Request to amend the Antioch Priest Lake Community Plan)

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-135U-13 is **APPROVED. (10-0)**

The proposed RM6 district is consistent with the intent of the Antioch-Priest Lake Community Plan’s Residential Medium (RM) policy intended for residential development within a density range of four to nine dwelling units per acre. The RM policy was a result of a subarea plan amendment changing the policy from Industrial (IND), Natural Conservation (NCO), and Residential Low Medium (RLM). The rezoning would serve as a transition between the industrial and residential zoning districts along Franklin-Limestone Road.“

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2. **2003Z-147U-05**
Map 72-10, Parcels 85 and 86
Subarea 5 (1994)
District 8 (Hart)

A request to change from R6 district to RM6 district properties located at 1017 and 1021 Spain Avenue, approximately 250 feet west of Gallatin Pike (0.58 acres), requested by Robert W. Rutherford, applicant, for Phillip-Robinson Company, owner. (Deferred from meeting of December 11, 2003).

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2003Z-147U-05 indefinitely. (10-0)

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3. **2003Z-148G-06**
Map 102, Parcels 42, 72 and 74
Subarea 6 (2003)
District 35 (Tygard)

A request to change from R40 district to CS district properties located at 5731 River Road, River Road (unnumbered) and Charlotte Pike (unnumbered), at the southwest corner of River Road and Charlotte Pike (6.87 acres), requested by Wallace E. Johnson, applicant and owner.

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2003Z-148G-06 to the January 22, 2004 meeting. (10-0)

PRELIMINARY SUBDIVISION PLATS

4. **2003S-274U-05**
Martin Subdivision
Map 73-01, Parcel 166
Subarea 5 (1994)
District 7 (Cole)

A request for preliminary and final plat approval to create 4 lots with a sidewalk variance abutting the southeast margin of Avalon Drive and Warden Drive (1.5 acres), classified within the RS10 District, requested by Douglas & Patti Martin, owner, Patrick Coode, surveyor. (Deferred from meeting of December 11, 2003).

Staff Recommendation - *Approve with conditions*, with a recommendation to disapprove a request for a sidewalk variance, but allow the required 4-foot grass strip to vary in width if needed to protect the existing trees.

APPLICANT REQUEST

Final Plat - Subdivide 1.5 acres into 4 lots, with a sidewalk variance, at a proposed density of 2.66 dwelling units per acre, located at the southeast corner of Warden Drive and Avalon Drive.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings at an overall density of 3.71 dwelling units per acre.

SUBDIVISION DETAILS - Since no new streets are proposed for this subdivision, a separate preliminary plat is not required. This plat meets lot comparability for lot frontage and area and is consistent with the Subarea 5 Plan's land use policy for the area. Proposed lot sizes range from 11,490 square feet to 20,802 square feet.

Approximately 483 feet of sidewalks are required along Warden Drive and Avalon Drive.

Sidewalk Variance Request - The applicant has requested a sidewalk variance. The request states that the existing house and lot date back to 1855 and large trees, greater than 12" in diameter, line the boundary of the lot. The location of the trees will require that they be cut in order to install a sidewalk. According to the applicant's request, the uniqueness of the property is that it is the last piece of land in the area with old mature trees still standing.

Public Works Constructability Report - Pavement widening is not required to construct sidewalks at this location. Curb, gutter, and driveway and curb ramps are required at this location to meet the ST-210 sidewalk standard. Sidewalks are buildable at this site. Installation of Metro ST-210 sidewalk will likely result in the loss of one or two very large trees at the edge of the right-of-way.

Staff recommendation for Variance - When evaluating a variance request, staff reviews the criteria outlined in the Metro Subdivision Regulations. Staff found that:

The conditions upon which the request for this variance is based are not unique to the subject property. Because of the particular physical surroundings, shape, or topographical conditions of the property, staff does not believe that a particular hardship to the owner would result, as distinguished from a mere inconvenience. Staff does recommend the applicant be allowed to reduce the four foot grass strip where needed in order to preserve the trees along the property edge, in accordance with Subdivision Regulation, 2-6.1.B.4 (c).

STORMWATER - A Stormwater appeal was made by the applicant to allow the subdivision of the existing lot into four lots without the requirement for permanent stormwater detention for quality or quantity. That appeal was denied as requested, but granted provided the applicant flag each lot on the plat with a note stating, "Prior to Metro Codes issuing any permits for the redevelopment of Lot 3 or development of Lots 1, 2, and 4, a Grading Permit shall be obtained from Metro Water Services, Stormwater Division."

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

CONDITIONS - Staff recommends conditional approval of this preliminary plat, subject to the following conditions:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
2. NES approval shall be submitted prior to final plat recordation.
3. A revised plat addressing Planning, Stormwater and Water Service's comments, including a sidewalk along the front of lots 1-4 if variance disapproved, from memo dated October 20, 2003, shall be submitted for approvals prior to final plat recordation.

Ms. Scott presented and stated that staff is recommending approval with conditions, including the disapproval of the sidewalk variance, but approval of the variance for the required 4-foot grass strip.

Mr. Douglas Martin, 1374 Buckingham Circle, spoke in opposition of placing sidewalks in the neighborhood. He stated that the neighborhood does not want sidewalks or curbs.

Mr. Clifton expressed concerns regarding the number of trees currently located and the number of trees that would be eliminated with the greenway variance.

Mr. Tyler asked for clarification on the sidewalks and whether there were other sidewalks in the neighborhood.

Ms. Scott stated there were no other sidewalks in the neighborhood.

Ms. Nielson expressed concerns regarding sidewalks and whether there were schools located in the neighborhood.

Mr. Small expressed concerns regarding the issue of the policy mandating sidewalks and the implementation of the sidewalks and their compatibility with the area in question.

Mr. Lawson expressed concerns regarding the preservation of the trees located within the development site.

Mr. Sweat expressed concerns regarding sidewalks in an older subdivision and whether they are appropriate for this neighborhood.

Mr. Clifton expressed concerns regarding the City infilling new subdivisions with sidewalks in the urban neighborhoods and its association to this project.

Mr. Small moved, and Mr. Clifton seconded the motion, to approve staff recommendation which included approval with conditions – including disapproval of the sidewalk variance, but approval of variance for the four foot grass strip. Approved (7-3)

Sweat, Tyler, Loring - No Votes

Cummings, Clifton, McLean, Nielson, Small, Lawson, Jones – Aye Votes

Mr. Lawson suggested that the Commission should study the flexibility of Subdivision Regulation regarding sidewalks.

Resolution No. 2004 –005

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-274U-05 is APPROVED WITH CONDITIONS. (7-3)

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
2. NES approval shall be submitted prior to final plat recordation.
3. A revised plat addressing Planning, Stormwater and Water Service’s comments, including a sidewalk along the front of lots 1-4 if variance disapproved, from memo dated October 20, 2003, shall be submitted for approvals prior to final plat recordation.

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5. **2003S-047G-14**
Hager Glen Subdivision
Map 098 Parcels 054
Subarea 14 (1996)
District 12 (Gotto)

A request for preliminary plat approval for seven lots, a variance for relief from shared driveways on John Hager Road, located abutting the southeast corner of John Hager Road and the south margin of S. New Hope Road, (3.08 acres), classified within the RS10 district, requested by Louise H. Davis, owner/developer, SEC, Inc., surveyor.

Staff Recommendation - *Approve with conditions* and a variance to Section 2.4.3B, Shared Driveways.

APPLICANT REQUEST

Preliminary Plat - Request to subdivide 3.08 acres into 7 lots with 1.27 acres of open space, located at the southeast corner of the intersection of John Hager Road and South New Hope Road.

ZONING

RS10 zoning - RS10 district, requiring a minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes only one lot that is below 10,000 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. This development proposes 41% (1.27 acres) of open space.

SUBDIVISION DETAILS - This project has been granted 2 appeals from the Stormwater Management Committee. The first was granted on July 24, 2003, to relocate a Metro defined 40+ acre wet weather conveyance and a 25-foot stream buffer (Appeal 2003-114). The second appeal was approved November 7, 2003, and allows on-site stormwater quality measures to fall within residential lots in 10' water quality easements (Appeal 2003-192). Additionally, because of the stormwater issues involved with this site, grading plans have already been submitted to Stormwater Management staff and approved pending Planning Commission approval.

PUBLIC WORKS - No exceptions taken.

A temporary construction easement is needed for installation of Metro sidewalks associated with Ruby Major Elementary School.

If the developer performs any work in the existing right of-way, he must contact Public Works--Utility Permits-- for excavation and lane closure permits.

SUBDIVISION VARIANCES

(2-4.3 B, Access from Regulation 2.4.3 B allows the Planning Commission to Collector Streets) Regulation 2.4.3 require a shared driveway on lots fronting a collector street if it is deemed necessary. The applicant has originally requested a variance from this requirement because the surrounding area is developed with individual drives, however since that time the Stormwater Appeals Board has required the developer to construct biofilter swales for stormwater quality along the property lines between the houses where the shared drives would have been placed.

Public Works Recommendation - Approve

Planning Recommendation - Approve. The requirement of the Stormwater Appeal for the provision of biofilter swales for water quality between each lot provides a practical difficulty in providing shares drives. Shared driveways would interfere with the function of these swales.

CONDITIONS

A revised plat shall be submitted prior to the Planning Commission meeting that shows:

1. A temporary construction easement for installation of Metro sidewalks along the edge of the R.O.W. dedication.
2. Continue the sanitary sewer easement across lot 7 to the property line to allow neighboring properties access.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –006

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003S-047G-14 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

A revised plat shall be submitted prior to the Planning Commission meeting that shows:

3. A temporary construction easement for installation of Metro sidewalks along the edge of the R.O.W. dedication.
4. Continue the sanitary sewer easement across lot 7 to the property line to allow neighboring properties access.

FINAL PLATS

6. 2003S-289G-14

Villages of Larchwood, Phase 2, Section 4B, Revision of Lot 74
Map 108-04-A, Parcel 134
Subarea 14 (1996)
District 13 (Burch)

A request for final plat approval for a variance to remove sidewalks for 1 lot abutting the southeast terminus of Fitzpatrick Road, approximately 100 feet southeast of Elmwood Court, (0.16 acres), classified within the R10 Residential Planned Unit Development District, requested by Hillmore Properties, owner/developer, Tom Ragsdale, agent. (Deferred from meeting of December 11, 2003).

Staff Recommendation - *Disapprove*

APPLICANT REQUEST

Final Plat - This request is to remove the sidewalk requirement on Lot 74, located at the terminus of Fitzpatrick Road.

ZONING

R10 District - R10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS - A revised preliminary PUD and final PUD for this section were approved by the Planning Commission April 29, 1999, and included Fitzpatrick Road as a stub street to the adjacent property. The construction plans for this section were approved by the Metro Public Works Department July 15, 1999, and show a cul-de-sac without a sidewalk along Fitzpatrick Road. A final plat was submitted with a cul-de-sac and then revised to exclude the cul-de-sac and 3 lots. This allowed the applicant to work on a majority of this section while working out the details of the cul-de-sac. The Planning Commission approved this final plat on August 31, 2000.

A request to amend the PUD to allow the cul-de-sac, which had already been constructed, was then submitted and disapproved by the Planning Commission on January 4, 2001. Council subsequently approved it in April of 2001. The amendment carried a recommendation of disapproval from the Planning Commission primarily because Fitzpatrick Road would not connect to a planned stub street east of the adjacent subdivision. Although the plan approved by the Metro Council did not show a sidewalk along the front of Lot 74, a sidewalk is required since no variance was requested for removal of this sidewalk.

The final PUD was approved by the Planning Commission with the condition that a sidewalk be extended along the front of Lot 74 in May of 2001. The final plat was approved with the sidewalk shown on it in July 2001.

Currently, there is a cul-de-sac at the end of Fitzpatrick Road and a cul-de-sac at the end of White Pine Drive. These two cul-de-sacs do not connect, but there is existing unbuilt right-of-way that connects the cul-de-sacs.

Upon inspection of the site, staff recognizes the installation of a sidewalk along Lot 74 will be difficult, but this sidewalk has been required since the plan was revised in 1999. The house on the site is located well below the grade of the cul-de-sac. These conditions were self-created, however, since the applicant was aware that a sidewalk was required prior to grading permits being issued.

TRAFFIC ENGINEER'S FINDINGS - Sidewalks can be engineered for this site.

RECOMMENDATION - Staff recommends disapproval of this request.

Ms. Scott presented and stated that staff is recommending disapproval.

Mr. Phil Hill, 528 Gay Winds Drive, spoke in favor of the recommendation except for the sidewalk installation – he stated fact that the sidewalks are an unsafe situation for this proposal.

Mr. Sweat asked for clarification on the sidewalks.

Mr. Tyler asked for clarification on the grading on the proposed site.

Ms. Cummings asked for clarification on the topography of the land.

Mr. Clifton expressed concerns regarding the sidewalks.

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously to approve Final Plat #2003S-289G-14 to include the sidewalk variance. (10-0)

The Commission recessed at 5:35

The Commission resumed business at 5:50.

Resolution No. 2004 –007

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003S-289G-14 is **APPROVED WITH SIDEWALK VARIANCE. (10-0)**”

PLANNED UNIT DEVELOPMENTS

7. **102-86-P-06**
Riverside
Map 142, Parcel 120
Map 142-13B, Parcel 1
Subarea 6 (2003)
District 35 (Tygard)

A request to amend the Planned Unit Development located abutting the south margin of Northridge Drive, west of Morton Mill Road, classified RS20, (14.07 acres), to add a new public street and 10 new single-family lots to the overall development, approved for 254 single-family lots and proposed for 264 single-family lots, requested by Walter Davidson and Associates for Rochford Construction Company, owner. (Deferred from meeting of November 13, 2003).

The Metropolitan Planning Commission voted unanimously to DEFER Planned Unit Development No. 102-86-P-06 indefinitely. (10-0)

X. PUBLIC HEARING:
ZONING MAP AMENDMENTS

8. **2003Z-032G-14**
Map 86, Parcels 254, 255 and 256
Subarea 14 (1996)
District 11 (Brown)

A request to change from R10 district to CL district properties at 305, 309, and 315 Old Lebanon Dirt Road, at the intersection of Old Lebanon Dirt Road and Old Hickory Boulevard, (4.25 acres), requested by Jeff Browning of Mid-South Land Associates, applicant, for Shirley B. and Thomas J. Mitchell, Josephine S. Baltz, and Ruth B. Randolph, owners.

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2003Z-032G-14 to the January 22, 2004 meeting. (10-0)

9. **2003Z-080U-12**
Map 162, Parcel 55
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a district to RM9 district property located at 91 Tusculum Road, along the south margin of Tusculum Road and Benzing Road, (4.45 acres) requested by Gary Batson, agent for Janie Broadhead, owner

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2003Z-080U-12 to the February 12, 2004 meeting. (10-0)

10. **2004Z-001G-14**
Map 87, Parcels 5, 6, 7 and 164
Subarea 14 (1996)
District 12 (Gotto)

A request to change from AR2a district to RS10 district property located at 818 and 840 Old Lebanon Dirt Road and 6340 and 6344 North New Hope Road, on the west side of North New Hope Road, (13.2 acres), requested by John D. McCormick, applicant, for William A. Wright and Pamela Evetts, owners.

Staff Recommendation - *Disapprove request for RS10, but approve RS15 if application is amended by applicant prior to the meeting.*

APPLICANT REQUEST - Rezone 13.2 acres from agricultural/residential (AR2a) to residential single-family (RS10) at 818 and 840 Old Lebanon Dirt Road and 6340 and 6344 North New Hope Road.

Existing Zoning

AR2a zoning - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning

RS10 zoning- RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 district would allow 49 single-family lots on this property.

RS15 zoning - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The RS15 district would permit 33 single-family lots.

SUBAREA 14 PLAN POLICY

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - Although the RS10 is consistent with the Subarea 14 Plan's Residential Low Medium (RLM) policy, it is not consistent with the established zoning pattern in the area. Staff is also concerned that the RS15 district may be premature due to substandard roads. Public Works however has stated they will not make traffic recommendations until the property is platted for subdivision. The dominant zoning pattern in this area is RS15, which allows for a density of 2.47 dwelling units per acre. While RLM policy allows densities of up to four units per acre, there is no requirement that the Commission approve every zoning request at the maximum density allowed by the land use policy.

Road Improvements - Cobblestone Landing (2002S-289G-14--Parcels 130-133, 156 to the southeast) was approved by the Commission in December 2002 with the following condition:
The following road improvements must be completed or bonded prior to any final plat recordation:

1. Reconstruction of hill profile on North New Hope Road at the intersection with Road “A”.
2. A left turn lane on southbound North New Hope Road.
3. The northbound approach on North New Hope Road widened to include separate left and right turn lanes at the intersection with Old Lebanon Dirt Road.

These improvements have not been completed at this time.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in RS10 districts this proposed zoning is expected to generate approximately 468 vehicular trips per day could be generated. Based on typical uses in RS15 districts, approximately 316 vehicular trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning AR2a, (Code 210)
AM trips = 14 PM trips = 10

Proposed Zoning RS10, (Code 210)
AM trips = 44 PM trips = 47

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

SCHOOLS 8_Elementary 5_Middle 4_High

Schools Over/Under Capacity - Students would attend Dodson Elementary, Dupont-Tyler Middle School and McGavock High School. Dupont-Tyler has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

Planned School Capital Improvements:

Location	Project	Projected Date
Dodson Elementary	Renovation	FY07-08
Dupont-Tyler Middle	Renovation	FY08-09
McGavock High	Renovation	FY03-04

Ms. Harris presented and stated that staff is recommending disapproval of the RS10 district, but approval of the RS15.

Mr. John McCormick, 6247 N. New Hope Road, representing the property owners, spoke in favor of the proposal. Mr. McCormick presented a letter to the Commission that was written from the Wright family (owners) stating that they would restrict the number of units in the proposal.

Mr. Graham Reed, 787 Old Lebanon Dirt Road, spoke in opposition to the proposal. He agrees with staff recommendation.

Mr. George Gruhn, 915 Old Lebanon Dirt Road, spoke in opposition to the RS10, but in favor of RS15.

Councilmember Loring spoke in favor of the RS10.

Mr. McLean recused himself from this proposal.

Mr. Clifton asked for clarification on the dispute of the density of the proposal and the infrastructure of the subdivision.

Mr. Bernhardt explained the options available to the applicant in order to adhere to the number of lots desired for the proposal.

Mr. Lawson expressed concerns regarding the traffic counts for the area.

Mr. Sweat moved and Ms. Cummings seconded the motion, to approve staff recommendation to include the disapproval of the request for RS10, but to approve the request for RS15. Approved (8-1)

Loring – No

Mr. McLean recused himself from the vote.

Jones, Small, Lawson, Nielson, Clifton, Cummings, Tyler, Sweat – Yes

Resolution No. 2004 –008

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-001G-14 is **APPROVED FOR RS10 ZONING, BUT DISAPPROVED FOR RS15 ZONING** ~~RS15 ZONING, BUT DISAPPROVED FOR RS10 ZONING.~~ (9-1) Amended 3/11/04 See Resolution #2004-101

The proposed RS10 district is consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for two to four dwelling units per acre. However, it is not consistent with the established zoning pattern in the area. The dominant zoning pattern in this area is RS15, which allows for a density of 2.47 dwelling units per acre.”

- 11. 2004Z-002U-08**
Map 81-15, Parcel 587
Subarea 8 (2002)
District 19 (Wallace)

A request to change from CS district to MUL district property at 1708 Jefferson Street, across from 17th Avenue North, (0.06 acres), requested by William and Verica Coleman, for William Coleman, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.06 acres from commercial service (CS) to mixed use limited (MUL) district property at 1708 Jefferson Street, across from 17th Avenue North.

Existing Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Proposed Zoning

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

NORTH NASHVILLE COMMUNITY PLAN POLICY FISK-MEHARRY DETAILED NEIGHBORHOOD DESIGN PLAN (DNDP)

Mixed Use in Community Center (MxU in CC) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of

neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Policy Conflict - No. The proposed zoning district is consistent with the North Nashville Community Plan’s Fisk-Meharry Detailed Neighborhood Design Plan’s Mixed Use in Community Center policy. The MUL district is also consistent with surrounding zoning districts.

RECENT REZONINGS - Yes. Parcel 585 to the west was rezoned in July 2003. The Commission approved this rezoning in May 2003.

TRAFFIC - Based on the trip generation numbers for mixed use limited (MUL), this proposal is expected to generate approximately 15.32 to 106 daily vehicular trips ranging from townhome to specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendation

Current Zoning CS, (Code 814)
AM trips = n/a PM trips = 4

Proposed Zoning MUL (Code 814)
AM trips = n/a PM trips = 7

“No Exception Taken”

Planned Road Capital Improvements:

Location	Project	Funding	Projected Date
Jefferson Street	Intersection Improvements for 6 intersections on Jefferson St. between 8 th Ave. and 28 th St.	Proposed G.O. Bonds/Federal Funds	FY03-04 thru FY06-07

SCHOOLS 1 Elementary <1 Middle <1 High

Schools Over/Under Capacity - Students would attend Cockrill Elementary, Bass Middle School and Pearl-Cohn High School. Cockrill and Bass have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –009

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-002U-08 is **APPROVED. (10-0)**

The proposed MUL district is consistent with the North Nashville Community Plan’s Fisk-Meharry Detailed Neighborhood Design Plan’s Mixed Use in Community Center (MxU in CC) policy calling for residential and commercial uses. CC policy is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. The proposed MUL district is also consistent with surrounding zoning districts.”

- 12. **2004Z-006U-06**
 Map 114, Parcels 122 and 123
 Subarea 6 (2003)
 District 22 (Crafton)

A request to change from R15 district to CL district properties at 631 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), at the I-40 West ramp, (0.40 acres), requested by Bethany L. Harbin of State Farm Insurance, applicant, for H. A. Travis, et ux, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone .40 acres from residential (R15) to commercial limited (CL) district property at 631 Old Hickory Blvd. and Old Hickory Blvd. (unnumbered).

Existing Zoning

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

BELLEVUE COMMUNITY PLAN POLICY

Commercial Mixed Concentration (CMC) -CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Policy Conflict - No. The proposed zoning district is consistent with the Bellevue Community Plan's Commercial Mixed Concentration (CMC) policy. The CL district is also consistent with surrounding zoning districts.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for commercial limited (CL), this proposal is expected to generate approximately 115 trips for office uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendation

Current Zoning R15, (Code 210)
AM trips = 11 PM trips = 5

Proposed Zoning CL (Code 832)
AM trips = 97 PM trips = 114

This property on OHB near the I-40 ramp has had further review. Public Works will not require a TIS at the zone change or development stage, if the owner accepts the below conditions. Public Works have developed conditions for this zone change because the size of the property (.4acres), the recalculated borderline number of generated trips (applying an FAR of .6) and the available lane capacity on OHB.

Originally this was parcel was zoned as R15 and would have generated AM= 11 and PM = 5, there is a difference of 87 and 109 trips being made respectively.

Conditions

1. One access drive for right in and right out only movements will be allowed. This drive shall be located at the maximum distance possible from the I-40 ramp.
2. The 2 properties shall be combined or a reciprocal access agreement for cross access shall be prepared.
3. Compliance with Public Works conditions mentioned above.

4. Prior to the issuance of any use and occupancy permits for any commercial use on these properties, a new driveway should be established north of the driveway for the existing home. The existing driveway should be abandoned.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –010

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-006U-06 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. One access drive for right in and right out only movements will be allowed. This drive shall be located at the maximum distance possible from the I-40 ramp.
2. The 2 properties shall be combined or a reciprocal access agreement for cross access shall be prepared.
3. Compliance with Public Works conditions mentioned above.
4. Prior to the issuance of any use and occupancy permits for any commercial use on these properties, a new driveway should be established north of the driveway for the existing home. The existing driveway should be abandoned.

The proposed CL district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration (CMC) policy that allows for all types of retail trade and highway- oriented commercial services. The CL district is also consistent with surrounding zoning pattern. Conditions include: (1) one access drive for right in and right out only movements will be allowed. This drive shall be located at the maximum distance from the I-40 ramp, (2) The two properties shall be combined or a reciprocal access agreement for cross access shall be prepared, and (3) Prior to the issuance of any use and occupancy permits for any commercial use on these properties, a new driveway should be established north of the driveway for the existing home. The existing driveway should be abandoned.”

~~13. 2004Z-007U-09~~

Map 82-13, Parcel 332
Subarea 9 (1997)
District 19 (Wallace)

A request to change from IG district to MUI district property at 823 3rd Avenue North, across from Criddle Street, (1.65 acres), requested by Van Christian, applicant, Joseph Formosa & Sons Partnership, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.65 acres from industrial restrictive (IR) to mixed use intensive (MUI) district property at 823 3rd Avenue North, across from Criddle Street.

Existing Zoning

IR district - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

MUI district - Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

SUBAREA 9 PLAN POLICY

Mixed Use (MU) - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Policy Conflict - No. The proposed zoning district is consistent with Subarea 9 Plan’s MU policy. The MUI zoning district is intended to be applied to portions of downtown core areas consistent with the General Plan. The subarea plan states that “a mixture of entertainment, community and cultural, smaller scale retail and business uses integrated with residential development is desirable.” This zoning district would allow this mixture of uses desired in this area.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for mixed use intensive (MUI), this proposal is expected to generate approximately 404 to 32,325 daily vehicular trips ranging from apartment to restaurant uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendation

Current Zoning IG, Peak Adj. Street Traffic (Code 140)
AM trips = 32 PM trips = 32

Proposed Zoning MUI, Peak Adj. Street Traffic (Code 710)
 FAR=1
AM trips = 143 PM trips = 160
 FAR=5
AM trips = 560 PM trips = 536

“Because of the development area, maturity of the roadway system, and size of the development, no TIS will be required at this stage. However, one may be required with the development plans.”

SCHOOLS 3 **Elementary** 2 **Middle** 2 **High**

Schools Over/Under Capacity - Students would attend Eakin Elementary, West End Middle School and Hillsboro High School. West End and Hillsboro have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Planned School Capital Improvements:

Location	Project	Projected Date
Eakin Elementary	Renovation	FY03-04
West End Middle	Renovation	FY03-04
Hillsboro High	Renovation	FY03-04

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –011

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-007U-09 is **APPROVED. (10-0)**

The proposed MUI district is consistent with the Subarea 9 Plan’s Mixed Use (MU) policy calling for a mixture of uses for living, working, and shopping purposes. It is also consistent with uses and intensity intended for the downtown area.”

- 14. **2004Z-008G-06**
 Map 114, Part of Parcel 39
 Subarea 6 (2003)
 District 22 (Crafton)

A request to change from R80 district to RS20 district a portion of property at 7515 Old Charlotte Pike, across from Gower Road, (31.3 acres), requested by Anderson-Delk & Associates, Inc., applicant, for Nancy Knox and Mary Ruth Hoover, owners. (See PUD Proposal No. 2004P-002G-06 below).

Mr. Mitchell presented and stated that staff is recommending approval.

Mr. Larry Sandlin, 8373 Old Charlotte Pike, presented a letter to the Commission requesting to disapprove this zone change – stated it was inconsistent with the surrounding area.

Ms. LouAnne Sandlin, 8373 Old Charlotte Pike, spoke in opposition to the rezoning of this area.

Mr. Steve Hawkins, 6670 River Road, spoke in opposition to the proposal and asked that the Commission defer the item in order to find resolution to the issues associated with the development.

Ms. Shirley Catalina, 534 Hickory Trail Drive, spoke in opposition to the proposal and expressed continuity for the area.

A resident of 529 Hickory Trail Drive, spoke in opposition to the proposal.

Mr. Vaughn Hawkins, 7466 Old Charlotte Road, spoke in opposition to the proposal because the road is too narrow, the stormwater issues, and the development is not compatible with the area. He suggested deferral so that the community could meet with their Councilmember.

Mr. Cecil Ross, 7635 Old Charlotte Pike, spoke in opposition to the proposal due to the effect it would have on the characteristics of the neighborhood.

Ms. Annie Tate, 8681 Old Charlotte Pike, spoke in opposition to the project and requested that any action be deferred until March.

Mr. Stan Link, 513 Hickory Trail Drive, spoke in opposition to the proposal due to the density and its compatibility to the area.

Ms. Gail Shay, 522 Hickory Trail Drive, spoke in opposition to the proposed rezoning.

Mr. Jimmy Smith, 7602 Old Charlotte Pike, spoke in opposition to the proposal.

Ms. Celia Peak, 6801 Gower Road, spoke in opposition to the proposal because of safety issues, traffic, etc.

Ms. Connie Rayburn, 7532 Old Charlotte Pike, spoke in opposition to the proposal.

Ms. Lisa Elam, 7474 Old Charlotte Road, spoke in opposition to the proposal because of drainage and flooding issues and the density of the proposal.

Ms. Michelle Haley, 514 Hickory Trail Drive, opposed the proposal and would like to preserve the area.

Mr. Jim Holland, 8301 Old Charlotte Pike, spoke in opposition to the proposal – stated that the area is rural and not urban.

Mr. Rob McCluer, 553 Hickory Trail, spoke in opposition to the proposal due to the traffic concerns.

A member of the audience presented a zoning map to the Commission and expressed his opposition to the proposal.

Mr. Kenneth Elam, 7474 Old Charlotte Pike Road, spoke in opposition to the proposal.

Mr. Mike Anderson, Anderson Delk Associates, spoke in support of the proposal.

Mr. Tyler Ring, Developer of Westchase, spoke in support of the proposal.

Mr. McLean suggested that the item be deferred to revisit the issue.

Mr. Bernhardt explained that the Commission has the option to defer this case because there is not a bill currently filed with Metro Council.

Mr. Clifton expressed concerns regarding the issues raised and the density of the proposal.

Ms. Cummings stated she was in favor of deferring the proposal to allow time for negotiations with the Councilpersons and the Community.

Mr. McLean reiterated that his deferral request is to allow time for the developer, the neighborhood and Councilperson to meet to discuss the proposal and to resolve issues associated with the proposal.

Mr. Small expressed concerns regarding the use currently in the area and the infrastructure included in the proposal.

Councilmember Loring requested that the item be deferred to give the councilperson the appropriate time to meet with the neighborhood and the developer.

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously, to defer Zone Change No. 2004Z-008G-06, Planned Unit Development No. 2004P-002G-06 as well as Planned Unit Development No. 97P-011G-06 indefinitely to allow time for the Councilmember, developer and the community to meet to discuss the proposals and the issues associated with them. **(10-0)**

The Metropolitan Planning Commission voted unanimously to DEFER INDEFINITELY Zone Change No. 2004Z-008G-06. (10-0)

[Note: Items No. 14, 15, and 34 were heard by the Commission at the same time. See below for individual actions on items 15 and 34.]

Ms. Cummings left the meeting at 7:00 p.m.

15. 2004P-002G-06

Addition to Westchase
Map 114, Part of Parcel 39
Subarea 6 (2003)
District 22 (Crafton)

A request for preliminary approval for a Planned Unit Development located abutting the south margin of Old Charlotte Pike, opposite Gower Road, classified R80 and proposed for RS20, (31.3 acres), to permit the development of 49 single-family lots, requested by Anderson-Delk and Associates for Tennessee Contractors, Inc., optionee. (See Zone Change Proposal No. 2004Z-008G-06 above).

The Metropolitan Planning Commission voted unanimously to DEFER INDEFINITELY Zone Change No. 2004Z-002G-06. (10-0)

[Note: Items No. 14, 15, and 34 were heard by the Commission at the same time. See Item 14 for the Commission's discussion of these items.]

16. 2004Z-009U-06

Map 115, Parcel 008
Subarea 6 (2003)
District 35 (Tygard)

A request to change from OR20 district to CS district property at 7201 Charlotte Pike, along I-40 West, (15.82 acres), requested by Stephen Sisco, applicant, Clay and Joanne Bailey, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 15.82 acres from office/residential (OR20) to commercial service (CS) at 7201 Charlotte Pike, along I-40 West.

Existing Zoning

OR20 zoning - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CS zoning - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN POLICY

Commercial Mixed Concentration (CMC) - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Policy Conflict - The proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration policy, however, this parcel falls within a special policy area. The Bellevue Community Plan states that “commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15)” due to topography and floodplain. The CS zoning district would be too intense for this area, CN would be the preferred zoning district for this parcel. The existing zoning district allows for residential development consistent with the policy. The special policy area calls for residential development within the CMC policy to be limited to approximately 15 units per acre. Staff also feels that this rezoning is premature. There is underutilized commercially zoned property in the area. These properties should be considered before this property is rezoned to commercial. This is also within a Special Policy area in which “commercial uses in this ...area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15)” due to topography and floodplain (p.49). The proposed zoning district would be too intense. If rezoned, a PUD should accompany this zone change to ensure that the steep hillsides will be protected and development will be of low intensity. Development should be limited to the flat portion of the site.

RECENT REZONINGS - None.

TRAFFIC - Based on trip generation numbers for commercial service (CS), this proposal is expected to generate approximately 15,505 to 16,797 vehicular trips per day ranging from new car sales to specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

<u>Current Zoning</u>	OR20, (Code 710)	
	AM trips = 860	PM trips = 822
<u>Proposed Zoning</u>	CS, (Code 820)	
	AM trips = 426	PM trips = 1547

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Ed Owens, representing Gresham & Smith, spoke in favor of the proposal. He presented information to the Commission which included his support for the development.

Mr. Small and Ms. Jones asked for further clarification on the staff recommendation.

Ms. Bond stated that the proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration policy, however, this parcel falls within a special policy area. The Bellevue Community Plan states

that “commercial uses in this CMC area should be in small scale buildings with a low floor area ratio” due to the topography of the land and the floodplain. The CS zoning district would be too intense for this area, CN would be the preferred zoning district for this parcel.

Councilmember Loring stated he was in support of the zone change.

Mr. McLean expressed concerns regarding the issue on whether this development was premature for the area.

Mr. Clifton spoke also of the timing of the project. He mentioned that the written response presented by Mr. Owens included positive facts that supported the development and its compatibility to the area.

Mr. Tyler asked for clarification on the CS FAR zoning.

Mr. Sweat commented on the development area as well as the response prepared by Mr. Owens.

Mr. McLean moved and Mr. Sweat seconded the motion, which passed unanimously, to approve the Zone Change request No. 2004Z-009U-06 from R6 district to CS district. (9-0)

Resolution No. 2004 –012

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-009U-06 is **APPROVED. (10-0)**

The proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration (CMC) policy, which allows for all types of retail trade and highway- oriented commercial services. It is also consistent with surrounding zoning pattern.”

17. **2004Z-011U-12**
Map 161-08, Part of Parcel 9
Subarea 12 (1997)
District 27 (Foster)

A request to change from R6 district to CS district a portion of property at 412 Brewer Drive, corner of Nolensville Pike and Brewer Drive, (0.55 acres), requested by Masoud Zand, applicant, for David Lipscomb University, Trustee, et al, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.55 acres from residential (R6) to commercial service (CS) district a portion of property at 412 Brewer Drive, corner of Nolensville Pike and Brewer Drive.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 12 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Policy Conflict - No. The proposed CS zoning district is consistent with Subarea 12 Plan’s CAE policy and the surrounding zoning pattern existing in the area. This rezoning would complete the commercial node developing in this section of Nolensville Pike. The proposed zoning district should not extend west of this property into the residential neighborhood along Brewer Drive. Since this proposal is only to rezone the front portion of the property fronting Nolensville Pike, it is consistent with the Subarea Plan and zoning pattern in the area.

RECENT REZONINGS - Yes. Parcel 043 to the east was rezoned from R10 to CS in January 2003. Planning Commission did approve this zone change in October 2002 (2002Z-106G-12).

TRAFFIC - Based on the trip generation numbers for commercial service (CS), this proposal is expected to generate approximately 539 to 7134 daily vehicular trips ranging from auto sales to restaurant uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning R6, Peak Adj. Street Traffic (Code 210)

AM trips = 4 PM trips = 5

Proposed Zoning CS, Peak Adj. Street Traffic (Code 911)

AM trips = 370 PM trips = 725

Public Works has re-calculated the trips for this zone change using a revised assumed square footage and land use code. “No TIS will be required.”

Mr. Mitchell presented and stated that staff is recommending approval.

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously to approve Zone Change No. 2004Z-011U-12. (9-0)

Resolution No. 2004 –013

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004-011U-12 is **APPROVED. (10-0)**

The proposed CS district is consistent with the Subarea 12 Plan’s Commercial Arterial Existing (CAE) policy, which is intended to stabilize existing commercial, prevent additional expansion along the arterial, and ultimately redevelop into a nodal pattern. This rezoning would complete the commercial node developing in this section of Nolensville Pike. It is also consistent with surrounding zoning pattern in the area.”

- 18. 2004Z-012U-08**
Map 81, Part of Parcel 45
Subarea 8 (2002)
District 21 (Whitmore)

A request to change from R6 district to RM15 district a portion of property at Clarksville Pike (unnumbered), north of Metrocenter Boulevard, (11.71 acres), requested by Ragan-Smith-Associates, Inc., applicant, Charles Binkley and Eatherly Family Holding Company, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 11.71 acres from residential (R6) to residential multi-family (RM15) district a portion of property at Clarksville Pike (unnumbered), north of Metrocenter Blvd.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. R6 zoning allows a total of 4.48 units on this site including 25% duplex lots. The R6 district permits 72 lots with 18 lots allowed to have duplexes for a total of 90 units.

Proposed Zoning

RM15 district - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The RM15 district would permit 176 multi-family units on this property.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Corridor Center (CC) - CC is intended for civic activities and low-rise public benefit uses. Residential, mixed use and nonresidential development proposals other than civic and public benefit should meet all of the following criteria to be considered on their merits: (1) If available, TND regulations should apply. If TND regulations are not available, several conventional zoning districts apply if accompanied by an Urban Design or Planned Unit Development overlay district, (2) No “Special Policy” applies to the site that expressly makes an exception to this policy or does not support the proposal.

Policy Conflict - Yes. The proposed zoning district is not consistent with the North Nashville Community Plan’s Corridor Center policy. The proposed rezoning is listed as a conventional zoning district permitted within the policy, however, the policy requires that a PUD accompany this zone change to assure design and development objectives.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for residential multi-family (RM15), this proposal is expected to generate approximately 990 daily vehicular trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendation

"With the submittal of Final Development Plans and review by the traffic engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and the required mitigations."

SCHOOLS 13 Elementary 9 Middle 8 High

Schools Over/Under Capacity - Students would attend Brookmeade Elementary, Hill Middle School and Hillwood High School. Hill has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

Planned School Capital Improvements:

Location	Project	Projected Date
Brookmeade Elementary	Renovation	FY07-08
Hillwood High	Renovation	FY07-08

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Mack Prichard, 1828 River Drive, spoke in opposition to the proposal due to traffic, the new Metrocenter Greenway and the floodplain issues associated with the proposal. He asked that this matter be deferred to allow additional time to resolve some of the issues.

Mr. Brett Smith, representative of Ragan-Smith Associates, spoke in favor of the proposal.

Mr. Robert Trent, individual trying to acquire property to construct affordable housing, spoke in favor of the development. He would like to see it approved so that he can meet a deadline in March in order to submit his proposal to the State.

Mr. McLean asked for further clarification on staff recommendation of disapproval.

Mr. Bernhardt explained the requirements requested for this proposal which included land use policies, building requirements and what was necessary for approval on this particular development.

Mr. McLean discussed the different options available to approve the proposal.

Ms. Jones expressed concerns regarding the TND policy and the issue regarding the required PUD.

Councilmember Loring expressed support towards the issue of affordable housing and the development.

Ms. Nielson moved, and Mr. Tyler seconded the motion to approve staff recommendation for Zone Change 2004Z-012U-08. (6-3)

No Votes – Loring, McLean, Sweat

Yes Votes – Nielson, Tyler, Clifton, Small, Jones, Lawson

Resolution No. 2004 –014

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-012U-08 is **DISAPPROVED. (6-3)**

The proposed RM15 district is not consistent with the North Nashville Community Plan’s Corridor Center (CC) policy. The proposed rezoning is listed as a conventional zoning district permitted within the policy, however, the policy requires a PUD to accompany this zone change to assure design and development objectives. Since there is no PUD associated with this zone change, and not assurance of design elements of the North Nashville Plan being met, this zone change is not consistent with the policy.”

-
- 19. 2004Z-013G-06**
 Map 142, Parcel 56 and Part of Parcel 57
 Subarea 6 (2003)
 District 22 (Crafton)

A request to change from OR20 district to CL district property at 7096 Old Harding Pike and a portion of property at 7121 Highway 70 South, east of Hicks Road, (1.68 acres), requested by Mike Clark, MC Properties Inc., for Harding Corporation, applicant, for R. W. Steltemeier, Jr. and Suntrust Bank, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.68 acres from office/residential (OR20) to commercial limited (CL) at 7096 Old Harding Pike and portion of property at 7121 Highway 70 South, east of Hicks Road.

Existing Zoning

OR20 zoning - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CL zoning - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

BELLEVUE COMMUNITY PLAN POLICY

Retail Concentration Community (RCC) - RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

Policy Conflict - Yes. The proposed CL zoning district is consistent with the Bellevue Community Plan’s RCC policy. It is also consistent with the surrounding zoning pattern.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for commercial limited (CL), this proposal is expected to generate approximately 1,786 daily vehicular trips for specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

<u>Current Zoning</u>	OR20, (Code 710)	
	AM trips = 122	PM trips = 145
<u>Proposed Zoning</u>	CL, (Code 832)	
	AM trips = 407	PM trips = 477

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

Mr. Leeman presented and stated that staff is recommending approval.

Mr. Mike Clark, MC Properties, spoke in favor of the proposal due to its compatibility to the area.

Ms. Jones expressed concerns regarding the proposed rezoning and its relation to the Bellevue Beautification plan.

The Commission members discussed the possibility of deferring this item until further study could be completed regarding the land use issues for this rezoning.

Mr. Lawson expressed concerns regarding the deferment of the rezoning.

Ms. Jones stated that she received concerns from the community as well as Mr. John Rumble who submitted a letter to the Commission regarding this case.

Mr. Clifton asked that Mr. Clark comment on this case since Ms. Jones expressed her concerns and this took place after the public hearing was closed.

Mr. Clark stated that they are just asking for rezoning at this time. They do not have a current user in mind for the area.

The Commission discussed the possibility of deferring this item to allow time for the Councilmember to meet with the community.

Mr. Small expressed concerns regarding the land use policy and the petitioner's request for this parcel of land.

Councilmember Loring expressed support for the rezoning of this parcel.

Mr. Small moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve Zone Change No. 2004Z-013G-06. (9-0)

Resolution No. 2004 –015

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-013G-06 is **APPROVED. (9-0)**

The proposed CL district is consistent with the Bellevue Community Plan's Retail Concentration Community (RCC) policy allowing for concentrations of community scale retail. It is also consistent with the surrounding zoning pattern.”

20. 2004Z-014G-06
Map 126, Parcel 150
Subarea 6 (2003)
District 35 (Tygard)

A request to change from CS district to RM15 district property at Highway 70 South (unnumbered), west of McCrory Lane, (7.71 acres), requested by AGH Ventures, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 7.71 acres from commercial service (CS) to residential multi-family (RM15) at Highway 70 South (unnumbered), west of McCrory Lane.

Existing Zoning

CS zoning - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Proposed Zoning

RM15 zoning- RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. This would total 116 units on this site.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM)-RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict -Yes. The proposed RM15 district is inconsistent with the Bellevue Community Plan's RLM policy. The RM15 zoning district exceeds the density range of the RLM policy. RM15 allows for 15 dwelling units per acre, while the policy intends for two to four dwelling units per acre. This rezoning is not consistent with the emerging zoning pattern in the area. Recently, the adjacent property was rezoned from AR2a to RS15.

RECENT REZONINGS -Yes. The adjacent property (parcel 28) was rezoned from AR2a to RS15 in June 2003. Subsequently, a subdivision for 78 single-family lots was approved by the Planning Commission in August 2003.

TRAFFIC - Based on the trip generation numbers for residential multi-family (RM15), this proposal is expected to generate approximately 769 daily vehicular trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

<u>Current Zoning</u>	CS, (Code 710)	
	AM trips = 314	PM trips = 300
<u>Proposed Zoning</u>	RM15, (Code 210)	
	AM trips = 91	PM trips = 123

"With the submittal of final development plans and review by the traffic engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed development above existing conditions and required mitigations."

SCHOOLS 8_Elementary 6_Middle 5_High

Schools Over/Under Capacity - Students would attend Gower Elementary, Hill Middle School and Hillwood High School. Hill has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

Planned School Capital Improvements:

Location	Project	Projected Date
Hillwood High	Renovation	FY07-08

Mr. Leeman presented and stated that staff is recommending disapproval.

Mr. Tom White, representing the applicant, spoke in favor of the proposal and stated that he has not received any objection to the proposal from the community.

Ms. Nielson commented on the rezoning to RM15 and the issue of sewers.

Mr. McLean expressed concerns regarding the sewer and the installation.

Mr. Sweat spoke in favor of the rezoning.

Councilmember Loring spoke in favor of the proposal.

Mr. Small stated that this rezoning may be too intense for the area.

Ms. Jones also expressed her concerns regarding the density of the proposal.

Mr. Clifton asked for clarification on the zoning of surrounding parcels located in the area.

Mr. McLean moved, and Mr. Sweat seconded the motion to approve Zone Change No. 2004Z-014G-06. (6-3)

No Votes – Small, Jones, Clifton

Yes Votes – Sweat, Tyler, McLean, Nielson, Loring, Lawson

Resolution No. 2004 –016

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-014G-06 is **APPROVED. (6-3)**

The proposed RM15 district moves the zoning closer to conformance with the Bellevue Community Plan’s Residential Low Medium (RLM) policy, calling for two to four dwelling units per acre, in that it allows for residential rather than the existing CS district.”

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- 21. 2004Z-025U-10**
Map 92, Various Parcels
Map 104, Various Parcels
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from OG, OR20, RM40, and RM20 to ORI (3.27 acres), MUL (2.99 acres) and RM40 (30.51 acres) various properties located between 29th Avenue North and I-440 and between Fairmont Drive, Hillcrest Place, West End Circle and Parthenon Avenue, (36.77 acres), requested by Councilmember Whitmore for various property owners.

Staff Recommendation - *Approve. The ORI, MUL, and RM40 zoning proposed will implement the proposed UDO design concept plan in conjunction with the proposed UDO guidelines.*

APPLICANT REQUEST- Rezone from office (OG), office and residential (OR20), and multi-family residential (RM40 and RM20) to Office Residential Intense (ORI) (3.27 acres), Mixed Use Limited (MUL) (2.99 acres) and multi-family residential (RM40) (30.51 acres) for various properties between 29th Avenue North and I-440 and between Fairmont Place, Hillcrest Place, West End Circle, Hedrick Street, Poston Avenue and Parthenon Avenue.

Existing Zoning

OG district - OG zoning permits office uses at 1.5 floor area ratio. Current zoning permits a theoretical maximum of 13,721 square feet of office space.

OR20 district - OR20 zoning permits multi-family dwellings at 20 units per acre or office space at .8 floor area ratio. Current zoning permits a theoretical maximum of six dwellings or 11,151 square feet of office space.

RM40 district - RM40 zoning permits multi-family dwellings at 40 units per acre. Current zoning permits a theoretical maximum of 266 dwellings.

RM20 district - RM20 zoning permits multi-family dwellings at 20 units per acre. Current zoning permits a theoretical maximum of 675 dwellings.

Proposed Zoning

ORI district - ORI zoning permits residential dwellings or office space at 3.0 floor area ratio. Theoretically at this ratio, 427,324 square feet of floor space could be developed for residential, office, or a combination of these uses.

MUL district - MUL zoning permits a mixture of commercial, office and residential uses at a floor area ratio of 1.0. Theoretically at this ratio, 130,244 square feet of floor space could be developed for retail, restaurant and other commercial, or office, or residential, or some combination of any of these uses. Commercial uses have floor space limitations per establishment for retail uses.

RM40 district - RM40 zoning permits multi-family dwellings at 40 dwellings per acre. Dwelling units at 40 units per acre on 30.51 acres of RM40 zoning would theoretically yield up to 1,220 dwelling units.

SUBAREA 10 PLAN POLICY

See Item VIII. Public Hearing for Subarea 10 Amendment staff report.

Policy Conflict - No. Amendment to Subarea 10 Plan. If the amendment to the Subarea 10 Plan is approved then there will be no policy conflict.

RECENT REZONINGS - None.

TRAFFIC

Traffic Study Submitted - None. Traffic impact studies may be required for individual projects and the approved findings incorporated into any final development plans.

Public Works' Recommendation - Approve. Staff has worked with Public Works and other Metro agencies throughout this process. Public Works has reviewed the proposed urban design overlay plan and recommended changes that have been incorporated into the plan.

Approved (10-0), Public Hearing

Resolution No. 2004 –017

“BE IT RESOLVED by the Metropolitan Planning Commission that associated Zone Change No. 2004Z-025U-10 is **APPROVED. (10-0)**

The proposed ORI, MUL, and RM40 districts are consistent with the Subarea 10 Plan Amendment to Neighborhood General (NG), Neighborhood Center (NC), and Neighborhood Urban (NU) policies. The proposed zoning and associated Urban Design Overlay district is intended to enable the development of a pedestrian-friendly, urban neighborhood. The concept plan and associated design standards allow for an appropriate mix of compatible uses consistent with location and amenity characteristics of the area including the West End Corridor.”

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22. **2004UD-001U-10**
 Map 92, Various Parcels
 Map 104, Various Parcels
 Subarea 10 (1994)
 District 21 (Whitmore)

A request for preliminary approval for an Urban Design Overlay district located between 29th Avenue North and I-440 and between Fairmont Drive, Hillcrest Place, West End Circle and Parthenon Avenue, (56.47 acres), to permit a mixture of uses, including office, residential, and commercial uses with detailed design standards, requested by Councilmember Whitmore for various property owners.

Staff Recommendation - *Approve*. This proposal is the outcome of an extensive charrette process involving property owners, residents, members of the development community and the district councilmember working with a Planning Department design team in consultation with a real estate economics expert and various Metro departments. The UDO is intended to enable the development of a pedestrian-friendly, urban neighborhood. The concept plan and associated design standards allow for an appropriate mix of compatible uses consistent with location and amenity characteristics of the area including the West End Corridor, as well as an appropriate mix of building types that work together to create a harmonious streetscape.

APPLICANT REQUEST - Apply an Urban Design Overlay (UDO) district to various properties located between 29th Avenue North and I-440 and between Fairmont Place, Hillcrest Place, West End Circle, Hedrick Street, and Poston Avenue and Parthenon Avenue.

SUBAREA 10 POLICY

See Zone Change 2004Z-025U-10 and VII Public Hearing for Subarea 10 Plan Amendment staff report.

Policy Conflict - No. If the amendment to the Subarea 10 Plan is approved then there will be no policy conflict.

TRAFFIC

Traffic Study Submitted-None. Traffic impact studies may be required for individual projects and the approved findings incorporated into any final development plans.

Public Works' Recommendation - *Approve*. Staff has worked with Public Works and other Metro agencies throughout this process. Public Works has reviewed the proposed urban design overlay plan and recommended changes that have been incorporated into the plan.

Approved (10-0), Public Hearing

Resolution No. 2004 –018

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004UD-001U-10 is **APPROVED WITH CONDITIONS (10-0) THAT WILL BE INCORPORATED INTO THE UDO DOCUMENT.**”

XI. PRELIMINARY SUBDIVISION PLATS

- 23. 2004S-013G-14**
Summit Woods
Map 75, Parcel 142
Subarea 14 (1996)
District 12 (Gotto)

A request for preliminary approval of 25 lots located on the eastern margin of Tulip Grove Road, 400 feet north of Tulip Grove Lane, (10.09 acres), located in the RS15 district, requested by James Sean Sadler, owner, and James + Associates, engineer.

The Metropolitan Planning Commission voted unanimously to DEFER INDEFINITELY Subdivision Plat No. 2004S-013G-14. (10-0)

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- 24. 2004S-014G-06**
Collins Crest
Map 155, Parcels 92.02 and 244
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval of 17 lots located on the northwest corner of Collins Road and Collinswood Drive, (4.7 acres), located within the RS10 district, requested by French River Development Company, LLC, owner, and Joseph G. Petrosky Associates, LLC, engineer.

The Metropolitan Planning Commission voted unanimously to DEFER Subdivision Plat No. 2004S-014G-06 to the January 22, 2004 meeting. (10-0)

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- 25. 2004S-015G-12**
Third Addition to Indian Creek
Map 181, Parcel 35
Subarea 12 (1997)
District 31 (Toler)

A request for preliminary approval of 21 lots located at the northern terminus of Calderwood Drive, south of Culbertson Road, (7.22 acres), located in the RS10 district, requested by Hurley-Y, owner and Anderson-Delk and Associates, Inc., engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 7.22 acres into a 21-lot cluster lot subdivision, at a proposed density of 2.9 dwelling units per acre.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and permits a maximum of 26 single-family lots on this property.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes lots that range in size from 6,508 to 9,043 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. This development proposes 36.6% (2.65 acres) of open space.

SUBDIVISION DETAILS - The subdivision gains access through a collector street (Calderwood Drive) that originates in the Indian Creek PUD. At some time in the future this collector street will continue north to connect with Old Hickory Boulevard. As with other developments in the area, access to Culbertson Road is restricted.

PUBLIC WORKS -Conditions of approval are consistent with previous recommendations in the area:

1. There will be no access to Culbertson Road
2. Install a 12 ft. left turn lane with 75 ft. of storage and transition per AASHTO standards on Old Hickory Boulevard at Broken Bow Drive.
3. Approval is subject to construction plan approval.
4. Comply with any required traffic conditions of the Indian Creek P.U.D. since this subdivision is sole access is through this PUD.

CONDITIONS

1. There will be no access to Culbertson Road until it improved to Collector Street standards.

Ms. Fuller announced that this item was removed from the Consent Agenda at the request of a member of the public. She stated that the person who requested this item to be removed was not present.

Mr. McLean moved, and Ms. Nielson seconded the motion, which was passed unanimously to approve with conditions, Preliminary Subdivision Plat No. 2004S-015G-12. (9-0)

Resolution No. 2004 –019

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision No. 2004S-015G-12 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. There will be no access to Culbertson Road
2. Install a 12 ft. left turn lane with 75 ft. of storage and transition per AASHTO standards on Old Hickory Boulevard at Broken Bow Drive.
3. Approval is subject to construction plan approval.
4. Comply with any required traffic conditions of the Indian Creek P.U.D. since this subdivision is sole access is through this PUD.
5. There will be no access to Culbertson Road until it improved to Collector Street standards.

-
- 26. 2004S-016G-12**
Addition to Barnes Cove
Map 173, Parcels 59 and 133
Subarea 12 (1997)
District 31 (Toler)

A request to extend the previously approved preliminary plat approval for 105 lots for one additional year, located abutting the south margin of Barnes Road, east of Nolensville Pike, (44.61), classified within the RS10 district, requested by Greystone Properties, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat -This is a request to extend the Planning Commission approval of January 24, 2002, for one additional year:

- a. Approval subject to the following traffic related improvements associated with the Barnes Cove preliminary plan approval:
- b. A westbound left-turn lane into the subdivision on Barnes Road;
 - a. Clearing of trees and brush within the right-of-way for better sight distances at the project entrance on Barnes Road; and
 - b. The proposed project access on to Barnes Road should be designed to provide two exiting lanes and one entering lane.
- c. Metro Stormwater Appeal Committee must approve the blue-line stream crossing prior to final plat approval for the area south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41.
- c. Final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee Approval.
- d. A demolition bond for removal of the existing home on the property, prior to any final plat recordation.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet. The proposal is for 105 lots on 44.61 acres at a proposed density of 2.35 dwelling units per acre. A typical subdivision on 45 acres and classified within the RS10 district would allow 165 dwelling units.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes lots that range in size from 6,522 to 13, 747 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. This development proposes 37.4% (16.7 acres) of open space.

SUBDIVISION DETAILS -This proposed subdivision has six stub-streets to adjacent properties, and two of them are associated with a collector road, which has 60 feet of right-of-way. A local collector with fifty feet of right-of-way is also being proposed with this subdivision that will connect to Barnes Road in the future. This will provide a third access to Barnes Road from this subdivision as well as the Barnes Cove subdivision.

PUBLIC WORKS - No additional comments were received prior to Staff Report Mail out.

STORMWATER - Since this preliminary approval was granted in January of 2002, the Stormwater Management Staff has begun a policy of requiring that appeals for stream crossings be obtained prior to Planning Commission approval. They also desire a State of Tennessee determination of whether the possible detention pond located within Open Space "E" is a wet weather conveyance and all necessary approvals to use this pond for detention and water quality. The applicant understands that they do not have an approval from the Stormwater Management Staff and that these items must be addressed prior to grading plan approval and the determination of these items may affect the final design of the subdivision.

EXTENSION OF APPROVAL (Subdivision Regulations 3-3.5) - A preliminary plat approval may be extended for 1 year if the Planning Commission deems that appropriate progress has been made in developing the subdivision. Although no progress has been made on the Addition to Barnes Cove, the developer feels he qualifies for the extension because the approvals for Barnes Cove and the Addition to Barnes Cove are tied together. Staff agrees

that adequate progress has been made in Barnes Cove and that a case can be made for treating the two subdivisions as one.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –020

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-016G-12 is **APPROVED WITH CONDITIONS**.

Conditions of Approval:

1. Approval subject to the following traffic related improvements associated with the Barnes Cove preliminary plan approval:
2. A westbound left-turn lane into the subdivision on Barnes Road;
 - a. Clearing of trees and brush within the right-of-way for better sight distances at the project entrance on Barnes Road; and
 - b. The proposed project access on to Barnes Road should be designed to provide two exiting lanes and one entering lane.
 - c. Metro Stormwater Appeal Committee must approve the blue-line stream crossing prior to final plat approval for the area south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41.
3. Final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee Approval.
4. A demolition bond for removal of the existing home on the property, prior to any final plat recordation.”

-
- 27. 2004S-017U-05**
Cumberland Meadows (Eastland Avenue Property)
Map 84, Parcels 8, 8.01 and 23
Subarea 5 (1994)
District 7 (Cole)

A request for preliminary approval of 21 lots and a variance for sidewalk on Eastland Avenue, located on Eastland Avenue, approximately 500 feet north of Meadow Rose Drive, (17.92 acres), classified within the R10 district, requested by Big Development, developer, and Dale and Associates, engineer.

Staff Recommendation - *Approve with conditions* including the construction of a sidewalk along Eastland Avenue, a variance for maximum length of a cul-de-sac and lot comparability for 3 lots fronting on Eastland Avenue.

APPLICANT REQUEST

Preliminary Plat -Request to subdivide 17.92 acres into 21 lots with 4 acres of open space at a density of 1.23 units per acre.

ZONING

R10 District - R10 district, requiring a minimum lot size of 10,000 square feet and permits single family and duplex lots. No lots have been identified as duplex lots.

SUBDIVISION DETAILS - This subdivision is encumbered with 11.56 acres of floodplain at the rear of the site. The area of the floodplain to remain undisturbed is 6.12 acres (53%). The site also has some areas of steep topography. Sixteen lots in the proposal are labeled as critical because of steep topography.

Lot Comparability Waiver - The 3 lots fronting on Eastland Avenue pass lot comparability for minimum area but not for minimum frontage. The minimum lot frontage allowed by the study is 91 feet. The frontages of the three lots are 87.87 ft, 86.19 ft. and 75.01 ft.

Staff Recommendation - Approve lot comparability waiver. The lots are located in RLM policy and meet the specified density of 2-4 dwelling units per acre with 3 dwelling units per acre proposed. This qualifies for one of the exceptions that would allow the Planning Commission to grant a waiver to the lot comparability requirements. Additionally, there are townhouses on zero-lot line parcels immediately to the east of the proposed lots. The proposed lots would serve as a transition between these townhouses and the single-family homes.

Sidewalk Variance - The applicant has requested a sidewalk variance for the frontage of the 3 lots on Eastland Avenue. The applicant has stated that because of the ditch section and poor topography on Eastland Avenue, excessive fill material will be required to place a sidewalk and that will cause a lack of slope of the road bed and the potential to cause ponding of stormwater on the roadway.

Sidewalk Constructability -No topographic issues were observed that would prevent the construction of a sidewalk.

Staff Recommendation - Disapprove sidewalk variance along Eastland Avenue. Although the sidewalk may require fill material, there is no unique condition on this property as required for approval of a sidewalk variance.

Maximum Length of Street -The maximum length of a street with a turnaround is Turnaround (2-6.2.1.G) 750 feet. The applicant proposes extending the existing Beth Drive to approximately 1,000 feet.

Staff Recommendation - Approve. Public Works has indicated that they will accept a street with a maximum of 1,000 feet. It is not feasible to bring a new road off of Eastland Avenue due to topographic constraints and the property backs up to floodplain and an airfield that would not allow connections from the east.

PUBLIC WORKS -No exceptions taken. Subject to construction plan approval.

Ms. Fuller presented and stated that staff is recommending approval with conditions.

Mr. Kevin Estes, Engineer for the project, spoke in favor of the proposal and commented that he would adhere to all of staff's recommendations for the project.

A member of the audience spoke in opposition to the proposal due to flooding issues and the fact that she felt it would be out of character for the area.

Mr. James Witt, 404 Freda Villa, explained to the Commission that he had financial interests in the land surrounding this development and was in support if his financial interest was satisfied.

Ms. Nielson moved and Mr. Sweat seconded the motion, to approve all staff recommendation including a condition of, the access to open space, in the final approval of Preliminary Subdivision Plat No. 2004S-017U-05. (9-0)

Resolution No. 2004 –021

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision No. 2004S-017U-05 is APPROVED (9-0), INCLUDING ALL STAFF RECOMMENDATIONS.”

- 28. 2004S-021U-13**
Mark Marshall One
Map 149, Parcels 74, 75, 76 and Part of Parcel 78
Map 149-03, Parcels 61, 62, 63, 66, 67, 68, 69,
122, 145, 146 and 147
Subarea 13 (2003)
District 29 (Wilhoite)

A request for preliminary approval of 16 lots located on the east margin of Murfreesboro Pike, south of Edge-O-Lake Drive, (7.62 acres), located in the MUL, RS3.75, R8 and R10 districts, requested by Murfreesboro Edge-O-Lake Development, LLC, owner/developer, and Batson and Associates, Inc., engineer.

The Metropolitan Planning Commission voted unanimously to DEFER Subdivision Plat No. 2004S-021U-13 to the January 22, 2004 meeting. (10-0)

XII. PLANNED UNIT DEVELOPMENTS

- 29. 2001UD-001U-12**
Lenox Village Phase 5
Map 173, Part of Parcels 73 and 220
Subarea 12 (1997)
District 31 (Toler)

A request for final approval for Phase 5 of the Lenox Village Urban Design Overlay Development located abutting the east margin of Nolensville Pike, opposite Bradford Hills Drive, classified MUL, (17.47 acres), to permit the development of 22 townhouse units, 19 single-family units, 17 live/work townhouse units and 4 live/work single-family units, requested by Anderson Delk and Associates for McGowan Family Limited Partnership, owner.

The Metropolitan Planning Commission voted unanimously to DEFER Planned Unit Development No. 2001UD-001U-12 to the January 22, 2004 meeting. (10-0)

- 30. 28-79-G-13**
Hickory Highlands Phase V, Section 1
Map 149, Parcel 228
Subarea 13 (2003)
District 28 (Alexander)

A request for final approval for a phase of the Planned Unit Development located abutting the west margin of Rural Hill Road, east of Moss Road, classified RS10 and RM6, (42.67 acres), to permit the development of 47 single-family lots and 26 condominium units, requested by Dale and Associates for J. E. Stevenson, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Final PUD - Request for final PUD approval for a portion of the Hickory Highlands Residential PUD to allow for the development of 47 single-family homes and 26 townhomes on 21.45 acres of the 42.67-acre parcel 228. The PUD property is located north of Rural Hill Road and east of Moss Road.

PLAN DETAILS - The proposed final PUD plan is consistent with the preliminary PUD plan, which was amended by Metro Council in 2003.

It should be noted that a connection to the Hickory Highlands Place subdivision is being provided from the PUD to parcel 30 of the conventional subdivision. The preliminary plat of Hickory Highlands Place, Section 4, received the following conditional approval: The developer would be able to reclaim a single-family lot if a 0.30-acre portion of the new collector road, extending north from Rural Hill Road, is constructed and connected to the subdivision. The reclaiming of the single-family lot would be available once the Hickory Highlands PUD continued construction of the collector road and provided the connection to Highland Ridge Drive, which is located further north into the PUD from Rural Hill Road.

METRO PUBLIC WORKS' FINDINGS

The traffic engineer requested that the construction plans for the widening of Rural Hill Road be submitted for review and approval by Metro Public Works. Pursuant to conversations with the applicant, these plans have been submitted and are still under review by Metro Public Works. The construction plans will be bonded with the final plat.

CONDITIONS

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –022

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 28-79-G-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.”

31. **61-84-G-06**
Kroger Southeast Shopping Center
Map 142, Part of Parcel 267
Subarea 6 (2003)
District 35 (Tygard)

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development located abutting the southeast corner of Old Hickory Boulevard and Highway 70 South, classified SCC, (5.34 acres), to permit a fuel pumping station and a drive thru pharmacy to be constructed in the parking area of the shopping center, requested by CEI for Kroger L.P.I., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request for Revision to Preliminary and for Final PUD approval for the Kroger Southeast Shopping Center Commercial PUD to allow for the development of a fueling station without a

convenience market and a pharmacy drive-through. The property is located in the southeast corner of Old Hickory Boulevard and Highway 70 South.

PLAN DETAILS

The plan proposes a fueling station to be located in the northwest corner of the site utilizing the existing access points off of either Highway 70S, in the middle of the development, or off of Old Hickory Boulevard. The pharmacy drive-through is proposed within one of the parking aisles and would replace approximately 10 parking spaces; however, the drive-through does not encroach into the 24-foot drive aisle.

Parking Space Removal - The proposed uses, which directly impact the existing parking configuration, do not remove more spaces than are required for this PUD per the Metro Code. The existing number of spaces is 643. With the addition of the two uses, the required number of spaces for the shopping center would be 579. After construction of the new uses, the number of provided spaces would still be above the minimum number required by providing 598. Staff is recommending that the developer remove the proposed five parallel spaces located just east of the proposed fueling station. In lieu of these parallel spaces, staff recommends that a landscape island be installed and additional plantings of shrubs and ground cover be provided. If the Commission approves this recommendation, the number of provided spaces remains above the required 579 at 593.

METRO PUBLIC WORKS' COMMENTS

“Because of the current Highway 70S and Old Hickory Boulevard intersection geometry, it is determined that a separate right-turn lane on OHB would be beneficial to handle any additional traffic. Our previous recommendation for a right-turn lane and the associated signal modification is unchanged.”

CONDITIONS

1. The developer shall remove the 5 proposed parallel parking spaces located adjacent to the fueling station. In place of the parallel spaces, a landscape island shall be installed that provides additional shrubs and ground cover.
2. A separate right-turn lane and the associated signal modifications shall be provided along Old Hickory Boulevard adjacent to the subject site.
3. 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.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. 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.
6. 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.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –023

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 61-84-G-06 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. The developer shall remove the 5 proposed parallel parking spaces located adjacent to the fueling station. In place of the parallel spaces, a landscape island shall be installed that provides additional shrubs and ground cover.

2. A separate right-turn lane and the associated signal modifications shall be provided along Old Hickory Boulevard adjacent to the subject site.
3. 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.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. 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.
6. 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."

32. 23-85-P-13
 Hamilton Creek Apartments
 Map 150, Parcel 236
 Subarea 13 (2003)
 District 29 (Wilhoite)

A request for a revision to the preliminary plan and for final approval including a request for a parking variance for a phase of the Planned Unit Development located abutting the north margin of Hamilton Church Road, east of Murfreesboro Pike, classified R10, (8.45 acres), to permit the development of 120 multi-family units, approved for 256 multi-family units, requested by Ragan-Smith Associates for Hamilton Church Apartment, L.P., owner.

Staff Recommendation - *Approve with conditions*, as well as recommend that the Planning Commission recommend approval of the parking variance by the Board of Zoning Appeals.

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request for revision to preliminary and for Final PUD approval for the Hamilton Creek Residential PUD to allow for the development of a 120-unit apartment project on an 8.46-acre portion of the PUD. The property is located north of Hamilton Church Road and east of Murfreesboro Pike.

PLAN DETAILS

The plan proposes 120 apartment units within a total of seven buildings that are located along either side of a single private drive that extends north into the site from Hamilton Church Road. The request for revision to preliminary is due to the change of the building and parking layout, as well as the reduction in the number of Council approved units from 256 to 120 units. The connection to parcel 237, directly north of the subject site, will remain intact as originally approved with the Council approved plan. The parcel to the north, parcel 237, is the last vacant tract within the PUD and is approved for additional multi-family units.

Variance Request for Parking - The applicant has submitted an appeal to the Metro Board of Zoning Appeals (BZA) to allow for a reduction in the number of required on-site parking spaces. The development of 120 apartment units would require the provision of 216 spaces under the code, but the applicant is requesting that the variance allow for the provision of 176 spaces, a reduction of approximately 18% or 40 spaces. This item has been scheduled for a BZA hearing, however a recommendation is required by the Planning Commission since this property is located within a PUD. As part of the PUD application, a Parking Demand Study was submitted for review and consideration. This study is dated December 2003 and was prepared by RPM Transportation Consultants.

The study states, "Based on knowledge of other similar sites, the developer believes that an affordable housing apartment complex, like the Hamilton Creek Apartments, requires fewer parking spaces than comparable apartment

complexes. The similar sites that were counted include the Hickory Manor Apartments, the Skyline Village Apartments, and the Villas and Granstaff Apartments. The Hickory Manor Apartments are located on Hamilton Church Road, just east of Bell Road. The projected parking demand for the proposed site was determined by averaging the maximum parking demand identified in the previous section for each apartment complex. The average parking demand of the existing affordable housing apartment complexes is 55%. The proposed Hamilton Creek Apartments are not located near an MTA transit route. As a result, residents of the [apartments] could have more reliance on passenger vehicles. To provide a more conservative analysis, the average parking demand was increased by 10% to allow for the heavier reliance on passenger vehicles.” To summarize the conclusions of the applicant’s Parking Demand Study: 216 required spaces times 65% equates to 140 spaces; therefore, the applicant believes that the provision of 176 spaces is well above the average parking demand for an affordable housing apartment complex in this location.

Based on the proposed site design, the provision of the private drive connection to parcel 237, and based on the parking demand study conclusions, staff recommends approval of the variance request to allow for 176 parking spaces.

METRO PUBLIC WORKS’ COMMENTS

According to the applicant’s representative, they are still working with Public Works on turn-lane design, lane taper lengths, and any other off-site improvements. Pursuant to discussions with Public Works, any minor revisions to the PUD plan would not affect the primary design or ingress/ egress points off of Hamilton Church Road. Therefore, staff believes this application can be considered by the Commission on the January 8th hearing date.

CONDITIONS

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.

Mr. Mitchell presented and stated that staff is recommending approval with conditions.

Brett Smith, Architect, Ragan Smith Associates, spoke in favor of the proposal and stated that he agrees with the staff recommendations on this proposal.

Councilmember Wilhoite was not present at the meeting but requested the Mr. Mitchell read a letter that she had prepared regarding this proposal into the record.

Ms. Nielson moved and Mr. Sweat seconded the motion, to adopt staff recommendation of Planned Unit Development No. 23-85-P-13. (9-0)

Resolution No. 2004 –024

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 23-85-P-13 is **APPROVED WITH CONDITIONS (9-0), INCLUDING APPROVAL OF PARKING VARIANCE REQUEST.**

Conditons of Approval:

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.”

- 33. 88P-034G-06**
 Bellevue Professional Park
 Map 142, Parcel 304
 Subarea 6 (2003)
 District 22 (Crafton)

A request for a revision to preliminary and for final approval for a phase of the Planned Unit Development located abutting the northeast corner of Sawyer Brown Road and U.S. Highway 70S, classified ON, (1.8 acres), to permit the development of a 11,900 square foot 1 story office building and a 8,500 square foot 1 story office building, approved for two 1 story office buildings with 19,000 total square feet, requested by Barge-Cauthen and Associates, Inc., for Chester Hannah, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Revised Preliminary & Final PUD - Request to revise the preliminary PUD plan and for final PUD approval for a portion of the Bellevue Professional Park Commercial PUD to allow for the development of a 11,900-square foot office building and an 8,500-square foot office building, for a total of 20,400 square feet, on a 1.80-acre tract in the center of the PUD. The PUD property is located in the northeast corner of Sawyer Brown Road and Highway 70S.

PLAN DETAILS

This tract within the PUD is one of several that are in the process of slowly being built-out. To date, there are two existing banks along Highway 70S as well as two existing office buildings in the far north end of the PUD.

The revised PUD plan proposes two office buildings, arranged north and south, with parking located around each building. Buffering is provided, per Metro Code standards, against the RS15 homes located along Carriage Drive. A six-foot masonry wall, which was begun with the previously mentioned PUD developments, will continue along the eastern PUD boundary. Access to this tract will be via a private drive located along Sawyer Brown Road and only allows for right-in and right-out movements.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

CONDITIONS

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.

3. 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.
4. 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.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –025

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 88P-034G-06 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.”

- 34. 97P-011G-06**
 Westchase
 Map 114, Part of Parcel 300
 Map 114-7-B, Part of Parcel 91
 Subarea 6 (2003)
 District 22 (Crafton)

A request to revise a portion of the preliminary plan of the Planned Unit Development located abutting the west margin of Charlotte Pike, south of Sawyer Brown Road, classified RS20, (6.1 acres), to permit the redesign and relocation of sixteen single-family lots within the 134 single-family lot development, requested by Anderson and Delk for Tenn. Contractors, Inc., owner.

The Metropolitan Planning Commission voted unanimously to DEFER INDEFINITELY Planned Unit Development No. 97P-011G-06. (10-0)”

[Note: Items No. 14, 15, and 34 were heard by the Commission at the same time. See Item 14 for the Commission’s discussion of these items.]

- 35. 2004P-003U-10**
 The Basement
 Map 105-06, Parcel 199
 Subarea 10
 District 17 (Greer)

A request for preliminary approval and for final PUD approval for a Planned Unit Development located abutting the east margin of 8th Avenue South between Alloway Street and Argyle Avenue, classified CS, (.18 acres), to permit an existing restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code, requested by Steve West for 1604 LLC, owner.

Staff Recommendation - *Approve with conditions, disapprove if the conditions are not met.*

APPLICANT REQUEST

Preliminary & Final PUD - Request for preliminary and final PUD approval which is intended to allow for a distance exemption from the beer licensure requirements, for an existing bar that is located at 1604 8th Avenue South. The property is located mid-block along the east margin of 8th Avenue South between Argyle Avenue and Alloway Street.

Reason for Request - Per Metro Ordinance BL2003-1353, restaurants / bars that have already obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempted from the minimum distance requirements for the issuance of beer permits if a Planned Unit Development is established over the subject property.

EXISTING ZONING

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

Although a restaurant / bar is a permitted use by right within the CS district, the request for a PUD will provide the Metro Council the ability to hold a public hearing and decide whether an applicant will be exempt from the distance requirements from certain uses, as required, in order to obtain a license to sell beer on premise. The PUD itself, however, is subject to ordinary review by the Commission and Planning staff.

PLAN DETAILS

The plan shows an existing building that fronts 8th Avenue South with the majority of parking located to the rear of the site and accessed via an existing north-south alley that runs behind those lots fronting 8th Avenue South. All handicap parking is located in front of the facility along 8th Avenue.

METRO PUBLIC WORKS' FINDINGS - No exceptions taken

RECOMMENDATION

Staff recommends conditional approval of the request to establish a PUD on the property, which is currently zoned CS district. This property is located within Subarea 10 and is designated as a Commercial Arterial Existing (CAE) land use policy. The Subarea 10 plan states that this area of CAE "is recommended for typical commercial uses found in CAE areas. Residential development is not to be discouraged; however, the primary purpose of this area is to continue to provide shopping, employment, and entrepreneurship opportunities for the surrounding community."

Staff recommends conditional approval with conditions requiring the minimum amount of information required on a PUD plan to be provided prior to any hearings before Metro Council. The applicant must submit a PUD plan that provides existing square footage of all buildings on site; provides dimensions of all sidewalks, parking stalls, parking drive aisles; provides existing setbacks; delineates and denotes any existing fencing or walls; and provides a site data table that shows that all bulk standards of the Metro Code, for the applicable base zoning, are successfully being met. If any bulk standards are not complied with, then a copy of any variances granted by the Board of Zoning Appeals (BZA) must be submitted with the revised PUD plan. Following submittal and review of the revised PUD plan by Planning staff, if the site does not meet any required bulk standard or is not legally non-conforming, then the PUD must be re-heard before the Commission prior to the public hearing at Metro Council. If these conditions are not met, then staff recommends that the Commission recommend disapproval.

CONDITIONS

1. Prior to any hearings before Metro Council, the applicant must resubmit a PUD plan that provides existing square footage of all buildings on site; provides dimensions of all sidewalks, parking stalls, parking drive aisles; provides existing setbacks; delineates and denotes any existing fencing or walls; and provides a site data table that shows that all bulk standards of the Metro Code, for the applicable base zoning, are

successfully being met. If any bulk standards are not complied with, then a copy of any variances granted by the (BZA) must be submitted with the revised PUD plan. Following submittal and review of the revised PUD plan by M Planning staff, if the site does not meet any required bulk standard or is not legally non-conforming, then the PUD must be re-heard before the Commission prior to the public hearing at Metro Council.

2. 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.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –026

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 2004P-003U-10 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to any hearings before Metro Council, the applicant must resubmit a PUD plan that provides existing square footage of all buildings on site; provides dimensions of all sidewalks, parking stalls, parking drive aisles; provides existing setbacks; delineates and denotes any existing fencing or walls; and provides a site data table that shows that all bulk standards of the Metro Code, for the applicable base zoning, are successfully being met. If any bulk standards are not complied with, then a copy of any variances granted by the (BZA) must be submitted with the revised PUD plan. Following submittal and review of the revised PUD plan by M Planning staff, if the site does not meet any required bulk standard or is not legally non-conforming, then the PUD must be re-heard before the Commission prior to the public hearing at Metro Council.
2. 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.”

XIII. MANDATORY REFERRALS

36. **2004M-001G-14**
Water Line Easement on Alvin Sperry Road
Map 110, Parcels 63, 83, 81, 80.01, 174, 138, 137, 80.02, 157, 80
Subarea 14 (1996)
District 12 (Gotto)

A request to renew a water line easement located on the north margin of Alvin Sperry Road, west of Stewarts Ferry Pike, requested by the Department of Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST

A request to renew a water line easement located on the north margin of Alvin Sperry Road, west of Stewarts Ferry Pike.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Other Items - This item is recommended for approval by the Emergency Communication Center, Nashville Electric Service, and Metro Water & Sewerage Services. Planning staff supports the requested renewal of the water line easement.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –027

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-001G-14 is **APPROVED. (10-0)**”

- 37. 2004M-002U-12**
Acquisition of Property on Edmonson Pike
Map 161, Parcels 57, 178, 71, 254, 187
Subarea 12 (1997)
District 27 (Foster)

A request for acquisition of property by negotiation for the addition of a turn lane on the east margin of Edmonson Pike, 900 feet north of Old Hickory Boulevard, requested by the Metropolitan Department of Real Property Services.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - An ordinance authorizing the acquisition of property by negotiation or condemnation for the addition of a turn lane to be added just North of the intersection at Edmondson Pike/Old Hickory Boulevard.

DEPARTMENT AND AGENCY COMMENTS - NES has facilities in the proposed site location. NES may need additional right-of-way in order to relocate due to the portion of Edmondson Pike that is to be widened.

RECOMMENDATION - Approve with conditions:

- 1) Construction plans shall be submitted to NES for review.

The following other departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, and Metro Historical Commission.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –028

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-002U-12 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. Construction plans shall be submitted to NES for review.”

- 38. 2004M-003G-02**
Sewer Easement Acquisition on Nolensville Pike
Map 033, Parcel 69 (Williamson County)
Subarea 2 (1995)
District 10 (Ryman)

A request for a sewer easement acquisition for Metro Water Services Project No. 98-SG-13, located on the west margin of Nolensville Pike, north of the intersection of Burkitt Road, requested by the Metropolitan Department of Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for a sewer easement acquisition for Metro Water Services Project No. 98-SG-13, located on the west margin of Nolensville Pike, north of the intersection of Burkitt Road, requested by the Metropolitan Department of Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Emergency Communications Center, Nashville Electric Service, and Metro Water & Sewerage Services.

Other Items - There is an Interlocal Agreement between Metro and Williamson County relinquishing sewer service to Metro. This agreement was approved by Council (BL2001-785) establishing this agreement and the parcels associated with these parcels. This request is to add a parcel necessary for sewer expansion in this area. Planning staff supports the requested sewer easement acquisition.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –029

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-003G-02 is **APPROVED. (10-0)**”

39. 2004M-004G-05

Closure of Strouse Avenue b/t Gallatin & Trevecca
Map 072-13, Parcels 198,201,369,372
Subarea 5 (1994)
District 5 (Murray)

A request for closure of Strouse Avenue, between Gallatin Road and Trevecca Avenue, to promote public safety for students of Nashville Auto Diesel College, owner of surrounding properties, requested by Coburn Dewees Berry, IV of Bass, Berry & Simms, PLC, applicant.

Staff Recommendation - Disapprove

APPLICANT REQUEST

A request to close a portion of Strouse Avenue to promote public safety for students walking back and forth between college buildings, located between Gallatin Avenue and Trevecca Avenue, requested by Coburn Dewees Berry, IV, representative for the adjacent property owners, Nashville Auto Diesel College.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners’ sign application? -Yes

DEPARTMENT AND AGENCY COMMENTS

The right-of-way for this portion of Strouse Avenue is a built public right-of-way with sidewalks along a portion of one side of the Avenue. Strouse Avenue is approximately one half mile in length and is located between Gallatin Avenue and Inga Street.

Public Works recommends disapproval of this request. Strouse Avenue is a fully improved public right-of-way that serves both the adjacent landowners and neighborhood by providing an additional connection to Gallatin Avenue.

Planning staff recommends disapproval of this request. This portion of Strouse Avenue is part of a properly functioning interconnected street and alley system that serves not only the College, but also the adjacent neighborhood.

Staff inquired about alternative safety measures that could be employed along this section of Strouse Avenue such as cross walks. Public Works indicated that this is a low traffic volume street and that it does not warrant additional safety measures at this time. However, it is still important to the overall street grid in the area. Part of the safety issue could be resolved if 90 degree parking was no longer allowed along this section of Strouse Avenue and sidewalks and curb and gutters were installed.

Should this be recommended for approval, then NES and Metro Water Services shall retain all easement rights.

Ms. Scott presented and stated that staff is recommending disapproval.

Ms. Christen Hazelwood, Bass, Berry & Smith, PLC, spoke in favor of the proposal – commented that there are safety issues involved which is the reason for the request.

Mr. Charlie Lyon, Nashville Diesel College, spoke in favor of the proposal – commented that the college continues to grow which resulted this request. He also stated that there were safety issues involved.

Ms. Council Lady Pam Murray spoke in opposition to the proposal. She stated that she spoke with several members of the community affected by this request and that they are also in opposition. She also commented that the safety issues are related to the students of Nashville Diesel College not adhering to the posted speed limits for this area and also the expansion of the College in this area.

Mr. Clifton commented on expanding colleges within a community and their specific needs.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to disapprove Mandatory Referral No. 2004M-004G-05. (9-0)

Resolution No. 2004 –030

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-004G-05 is **DISAPPROVED. (9-0)**”

XIV. OTHER BUSINESS

- 40. Southeast Corridor Alternatives Analysis contract
- 41. Grant Agreement between TDOT and the MPC on behalf of the MPO for Short-Range Transit Planning Coordination Activities
- 42. Grant Agreement between TDOT and the MPC on behalf of the MPO for 2004 Transportation Planning
- 43. Request to Re-hear Hamilton Church Subdivision, 2003S-254U-13.

Councilmember Loring explained that he is requesting the rehearing of this proposal at the request of Councilmember Tom Bradley. He stated that Councilmember Bradley has been in contact with the Metro Police Department and has received new information regarding traffic conditions affected by this proposal would create a road hazard. He stated that Councilmember Bradley spoke with the neighbors of the area and they too have genuine concerns regarding this dangerous road pattern.

The Commission requested that the new information that has generated this request should be presented to the Commission in order to make a recommendation to rehear or not to rehear the proposal.

Mr. Clifton moved, and Ms. Nielson seconded the motion, which passed unanimously to defer the action on this request to the next meeting. (9-0)

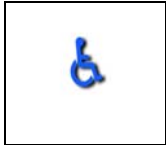
The Metropolitan Planning Commission voted unanimously to this action until the January 22, 2004 meeting.

44. Executive Director Reports

45. Legislative Update

XV. ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting was adjourned at 9:10 p.m.



Chairman

Secretary