

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: January 9, 2003
Time: 4:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman
Joe Sweat, Mayor's Designee
Victor Tyler

Absent:

Councilmember John Summers

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Chris Wooton, Planning Technician 1

Others Present:

Jim Armstrong, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Mr. Sweat moved and Mr. Clifton seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of December 12, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Bogen thanked the Commission for changing their meeting time to 4:00 p.m.

Councilmember Ponder spoke regarding the access to the Deloitte & Touche PUD, 210-73-G-14. He stated he had been contacted by the Lakewood Homeowners Association and their Board had approved the plan. He asked for approval as a revision to the preliminary plan.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

2003S-001, Montague Falls, Resubdivision of Lots 3 and 4, deferred until January 23, 2003.

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

Ms. Nielson arrived at 4:10 p.m., at this point in the agenda.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

Vice Chairman Small questioned the dates of October 2, 2000 through September 30, 2003, on items 12 through 15. He asked they be pulled from the consent agenda.

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

ZONING MAP AMENDMENTS

2. **2003Z-001U-08**
Map 82-9, Parcels 279, 280 and 281
Subarea 8 (1995)
District 20 (Haddox)

A request to change from IR district to MUN district properties at 1201 5th Avenue North and 504 and 506 Madison Street, at the intersection of Madison Street and 5th Avenue North, (0.52 acres), requested by Scott Chambers, owner.

Project No. Zone Change 2003Z-001U-08
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 0.52 acres from Industrial Restrictive (IR) to Mixed Use Neighborhood (MUN) at 504, 506 Madison Street and 1201 5th Avenue North.

Existing Zoning

IR zoning IR zoning is intended for a wide range of light manufacturing uses.

Proposed Zoning

MUN zoning MUN is intended for a low intensity mixture of residential, retail, and office uses.

SUBAREA 8 PLAN POLICY

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

GERMANTOWN DETAILED

NEIGHBORHOOD DESIGN

PLAN (DNDP)

Mixed Live Work (MLW) MLW is primarily residential in character, allowing all housing types found in the Mixed Housing category, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

Mixed Use (MxU) MxU includes buildings with a horizontal and vertical mix of uses (retail and offices at the street level and residences above). Residential uses and commercial uses are allowed but single-family detached homes are not included.

Policy Conflict

None. The Subarea 8 Plan defines this area as NU policy. This property is also within the Germantown DNDP. Lots 279 and 280 Madison Street and the southern portion lot 281 are located within the Mixed Use area of the DNDP. The northern portion of lot 281 is located within the Mixed Live/Work area of the DNDP. The proposed MUN zoning is consistent with the intent of the NU, Mixed Live/Work, and the Mixed Use policies.

RECENT REZONINGS Yes. MPC recommended approved on 12/12/02 (2002Z-123U-08) rezoning parcel 108, located at 4702 4th Avenue North, from IR to MUN. Metro Council has heard this bill on first reading (BL2002-1260), second reading scheduled for January 7, 2003.

TRAFFIC Based on typical uses in MUN districts, this proposed zoning would generate approximately 38 to 194 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

Resolution No. 2003-1

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-001U-08 is **APPROVED (9-0)**;

The proposed MUN district is consistent with the Subarea 8 Plan’s Mixed Live Work (MLW) and Mixed Use (MU) policy allowing all housing types found in the Mixed Housing category, while providing opportunities for small commercial establishments, mostly home-run professional or retail services, and includes buildings with a horizontal and vertical mix of uses (retail and offices at the street level and residences above)."

PRELIMINARY SUBDIVISION PLATS

6. 2003S-009G-12

Lenox Village, Section 2, 1st Revision, Resubdivision of Lots 47, 48, 63-69, 72 and 73
Map 173-9-A, Parcels 49, 50, 62, 63 and 70-76
Subarea 12 (1997)
District 31 (Knoch)

A request for revised preliminary and final plat approval to resubdivide 11 lots into 22 lots abutting both margins of Porter House Drive and both margins of Leveson Way, (1.23 acres), classified RM9 and UDO districts, requested by Lenox Village I, L.L.C., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Project No. Subdivision 2003S-009G-12
Project Name Lenox Village, Section 2, Revision of lots 47,48,63-69,72 & 73
Associated Cases None.
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Resubdivide lots 47, 48, 63-69, 72 & 73.

ZONING The RM9 district allows 9 units per acre.

The Lenox Village Urban Design Overlay allows for a variety of housing types and commercial uses, identified by block location.

PLAN DETAILS The purpose of this resubdivision is to divide 11 lots into 22 lots located at the intersection of Leveson Way and Porter House Drive.

This request is consistent with the Lenox Village Urban Design Overlay in design and the allowed number of units. The UDO allows for a maximum of 594 primary dwelling units in Lenox Village.

TRAFFIC ENGINEER'S
FINDINGS Recommends approval

CONDITIONS
Approval from Metro Water Services must be obtained prior to recordation.

Resolution No. 2003-2

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-009G-12 is **APPROVED (9-0)**.”

Staff recommends approval subject to the following condition:

1. Approval from Metro Water Services must be obtained prior to recordation.”

PLANNED UNIT DEVELOPMENTS (revisions)

10. 65-82-U-10
Merchant's Walk
Map 171, Parcel 149
Subarea 10 (1994)
District 33 (Turner)

A request for a revision to the preliminary plan and final approval for a phase of the Commercial Planned Unit Development district located abutting the south margin of Old Hickory Boulevard, west of Franklin Pike, classified CL district, (4.8 acres), and for a variance to Sections 17.24.070 and 17.24.150.1, to permit parking within the required scenic landscape easement and to eliminate the required minimum landscape strip for a portion along Old Hickory Boulevard, requested by Ragan-Smith Associates, for Merchants Walk, L.P. owner.

Project No Planned Unit Development 65-82-U-10
Project Name Merchant’s Walk – Maryland Farms PUD
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Revise a portion of the Maryland Farms PUD plan to allow for the reconfiguration and/or addition of 47 parking spaces along the north property line, and a request for variances to Sections 17.24.070 and 17.24.150.1 to allow for parking to be located within a scenic landscape easement along Scenic Arterial roadways and to reduce the required minimum 10-foot landscape strip to zero feet, respectively.

TRAFFIC ENGINEER’S

FINDINGS Recommend approval

STAFF FINDINGS &

CONCLUSIONS Pursuant to staff examination of the variance request in light of the Zoning Code variance review standards, staff has determined that the granting of the requested variances would be justified based upon the following:

Old Hickory Boulevard is designated on the Major Thoroughfare Plan as an S4, or a 4-lane scenic arterial highway, which requires a minimum right-of-way width of 150 feet. Although this portion of Old Hickory Boulevard is designated as Scenic Arterial, the subject property is located near the intersection of Old Hickory Boulevard and Franklin Pike – an area that is predominantly developed with commercial and office uses. In addition, there is a generous grade change – exceeding 10 feet – between Old Hickory Boulevard and the subject property. This grade change is managed by a concrete retaining wall that extends near the entire length of the property. With the existence of the retaining wall and such a significant grade change, no vegetation or other natural features would be disturbed by allowing additional parking spaces to encroach into the scenic landscape easement or perimeter landscape strip.

Based on the aforementioned information, in addition to the fact that 31 parking spaces, in the northeast corner of the property, currently exist directly adjacent to the property line, staff supports the applicant’s request to reconfigure the parking area and provide for additional spaces.

CONDITIONS

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

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

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

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

Resolution No. 2003-3

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 65-82-U10 is **APPROVED (9-0)**. The following condition applies:

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.”**

MANDATORY REFERRALS

11. **2002M-133U-09**
Resolution No. RS2002-1293
Option to purchase 432 3rd Avenue North
Map 93-2, Parcel 24
Subarea 9 (1997)
District 19 (Wallace)

A Resolution authorizing and directing the Director of Public Property to exercise an option to purchase property (Map 93-2, Parcel 24) at 432 3rd Avenue North for the Metropolitan Government of Nashville and Davidson County, where funds for this option agreement will be taken from Fund No. 40150, BU 15901002, as requested by the Director of Public Property.

Project No. Mandatory Referral 2002M-133U-09
Project Name Option to purchase 432 3rd Avenue North
Council Resolution RS2002-1293
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

A Resolution authorizing and directing the Director of Public Property to exercise an option to purchase property (Map 93-02, Parcel 24) at 432 3rd Avenue North for the Metropolitan Government of Nashville & Davidson County, where funds for this option agreement will be taken from Fund No. 40150, BU 15901002.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2003-4

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-133U-09 is **APPROVED (9-0).**"

16. **2003M-005U-09**
Washington Regulator Land and Easement Acquisitions
Map 82-14, Parcels 59, 60, 61, 65, 66, 82, 83 and 95
Map 82-15, Parcel 219
Subarea 9 (1997)
District 6 (Beehan)

A request to acquire property at 140 North 1st Street and to acquire easements at Map 82-14, Parcels 60, 61, 65, 66, 82, 83, & 95 and Map 82-15, Parcel 219 for Project No. 94-SC-005B, Washington Regulator, as requested by Metro Department of Water and Sewerage Services.

Project No. Mandatory Referral 2003M-005U-09
Project Name Washington Regulator Land & Easement Acquisitions
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to acquire property at 140 North 1st Street and to acquire easements at Map 82-14, Parcels 61, 66, 95, 65, 60, 82, & 83 and Map 82-15, Parcel 219 for Project No. 94-SC-005B, Washington Regulator.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2003-5

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2003M-005U-09 is **APPROVED (9-0)**.

17. 2003M-006U-07
Close Portion of Alley #1504
Map 90-8, Parcels 124 and 134
Subarea 7 (2000)
District 22 (Hand)

A request to close a portion of Alley #1504 from Croley Drive to its terminus at the south margin of parcels 124 and 134, requested by Robert McGowan, abutting property owner. (Easements are to be retained).

Project No. Mandatory Referral 2003M-006U-07
Project Name Close Portion of Alley #1504
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to close a portion of Alley #1504 from Croley Drive to its terminus at the south margin of parcels 124 and 134, requested by Robert McGowan, abutting property owner.

(Easements are to be abandoned)

APPLICATION REQUIREMENTS
Application properly completed and signed? Yes

Abutting property owners sign application? Yes

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2003-6

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2003M-006U-07 is **APPROVED (9-0).**"

This concluded the items on the consent agenda.

Ms. Hammond introduced new employees of the Planning Department, John Houghton, Planning Manager 1, and Darrell Howard, Planner 2.

PUBLIC HEARING

PUBLIC HEARING: A REQUEST TO ADOPT THE STRATEGIC PLAN FOR SIDEWALKS AND BIKEWAYS

Mr. Kleinfelter stated this presentation was given at an earlier meeting and staff would not repeat the presentation at this meeting.

Mr. Hillman spoke in full support of the Sidewalks and Bikeways plan.

Ms. Cummings moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and approve the Strategic Plan for Sidewalks and Bikeways.

**PUBLIC HEARING:
ZONING MAP AMENDMENTS**

- 1. 2002Z-128U-10**
Map 117-11, Parcel 11
Subarea 10 (1994)
District 25 (Shulman)

A request to change from R40 district to R20 district property at 1920 A Woodmont Boulevard at the intersection of Woodmont Boulevard and Hopkins Street, (1.03 acres), requested by Jeff Heinze of Littlejohn Engineering Associates, applicant, for Craig and Nichole Huseby, owners.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2002Z-128U-10
 Associated Case None
 Council Bill None
 Staff Reviewer Hardison

Staff Recommendation *Disapprove*

APPLICANT REQUEST Rezone 1.03 acres from Residential (R40) to Residential (R20) at 1920 A Woodmont Boulevard.

Existing Zoning
 R40 zoning R40 zoning is intended for residential single-family and duplexes at 40,000 sq. ft. per lot.
 Proposed Zoning
 R20 zoning R20 zoning is intended for residential single-family and duplexes at 20,000 sq. ft. per lot.

SUBAREA 10 PLAN POLICY

Residential Low (RL) The RL policy is intended for residential dwelling units at no more than 2 units per acre.

Policy Conflict Yes. The proposed rezoning would allow the construction of two duplexes, or four units on this 1.03-acre property, if the property is later subdivided. The Subarea 10 Plan specifically addresses a strip of RLM policy on both sides of Woodmont Boulevard just to the west of this property, which would allow densities of 2-4 units per acre. The strip of RLM policy was “deemed necessary because of the impact from the busy Woodmont Boulevard / Hillsboro Road intersection. Benham Avenue is recommended as the eastern-most boundary of this area” (Subarea 10 Plan, page 49-50, emphasis added). Staff recommends disapproval of the proposed rezoning of this property because it is not consistent with the Subarea 10 plan for this area.

RECENT REZONINGS None

TRAFFIC With R20 zoning the applicant would be allowed to construct 2 single-family homes or 2 duplex units, which would create 4 living units. Approximately 19 to 23 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Finding No recommendations were received from the Public Works Department by the staff report deadline.

SCHOOLS

Students Generated 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students will attend Julia Green Elementary School, J.T. Moore Middle School, and Hillsboro High School. Julia Green Elementary, J.T. Moore Middle, and Hillsboro High Schools have all been identified as being overcrowded.

Mr. Tom Ocapenti spoke in opposition to the proposal.

Mr. Jeff Heinze, Littlejohn Engineering, explained the proposal and asked for approval.

Councilmember Jim Shulman stated the Commission had two petitions before them. One with approximately 8 names in favor of the proposal, and one with approximately 20 names on it in opposition.

Mr. Craig Huseby stated these homes would be for sale and would not be rental property. The homes would be in a selling range from \$375 to \$425 thousand dollars and that he is committed to working with the neighborhood.

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

Mr. Sweat asked why the zoning line ran through several of the lots.

Mr. Hardison stated the lots may have changed or the zoning line may have been shifted during mapping.

Mr. Clifton stated that from a planning point of view this is a great piece of zoning and infill development.

Mr. McLean stated perhaps this could be deferred to give the Councilmember time to work with the developer and the neighborhood.

Vice Chairman Small agreed with Mr. Clifton and stated the concern is that we are looking at a rezoning rather than the development. There is not a commitment from the developer to put in what they are saying they are going to do.

Mr. McLean stated this zone change would not actually change until it goes through Council. He suggested approval to let the Councilmember make the decision at Council.

Mr. Sweat stated he favored deferral.

Councilmember Shulman stated if this were deferred a month it would miss the March Public Hearing and that he was leaning towards disapproval. After talking with the developer and neighborhood representatives it seems a deferral may be okay.

Mr. Bernhardt stated this can make the March Public Hearing by going on with the first reading. The Planning Commission has to make a motion before second reading. The broader issue to the Commission is what is the character of that part of Woodmont Boulevard.

Chairman Lawson stated he was not sure a deferral would do any good, because this still must go through Council. The action should be up or down.

Councilmember Shulman stated he had just got a deferral worked out, but it is up to the Commission.

Mr. Sweat moved and Mr. McLean seconded the motion, which failed with Mr. Sweat and Mr. McLean in favor and with Mr. Tyler, Ms. Cummings, Mr. Clifton, Ms. Nielson, Chairman Lawson, Vice Chairman Small and Ms. Jones in opposition to defer for one month.

Ms. Cummings moved and Mr. Tyler seconded the motion to disapprove, which carried with Mr. McLean and Mr. Clifton in opposition and with Mr. Sweat, Mr. Tyler, Ms. Nielson, Chairman Lawson, Vice Chairman Small, and Ms. Jones in favor.

Resolution No. 2003-7

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-128U-10 is **DISAPPROVED (8-0) a request to defer to meeting of February 13, 2003 denied:**

The proposed R20 district is not consistent with the Subarea 10 Plan's RL policy calling for residential development at no more than 2 dwelling units per acre. The Subarea 10 plan specifically calls for development at RLM (2 to 4 dwelling units per acre) densities to be limited to the strip between Benham Avenue and Golf Club Lane and the area north of the subject property."

PRELIMINARY SUBDIVISION PLATS

- 3. 2002S-064G-13**
- Hallmark
- Map 164, Parcels 101, 185, 190, 191
and Part of Parcel 167
- Subarea 13 (1996)
- District 29 (Holloway)

A request for preliminary plat approval for 206 lots located opposite and north of Pin Oak Drive, north of Pin Hook Road, (55.73 acres), classified RS10 district, requested by Jerry Butler Builders, owner/developer, MEC, Inc., surveyor.

Mr. Leeman stated staff recommends conditional approval.

Project No. 2002S-064G-13
Project Name Hallmark
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary and Final Plat Final Plat

This is a request for preliminary plat approval for 206 single-family lots in a cluster-lot subdivision on 55.73 acres between Hamilton Church Road and Pin Hook Road.

ZONING

RS10 district The RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 dwelling units per acre. RS10 allows a maximum of 208 single-family lots on this property. The proposed development has 206 single-family lots at a density of 3.7 dwelling units per acre.

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 5,000 to 15,400 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.

The proposed plat provides 8 stub-streets to be extended in the future should the adjacent properties redevelop. These stub-streets are necessary to provide an interconnected street network in this rapidly developing area. These connections will provide alternative travel routes to schools and future neighborhood centers outlined in the Subarea 13 Plan.

The proposed plan includes a north/south connector street and an east/west connector street, as was the intent of the Subarea 13 Plan adopted by the Planning Commission on October 10, 2002. Although the Subarea 13 Plan identified these as collector streets, the Community Plans Division has indicated that the intent of the plan was to allow several different standards of collector streets to serve different types of development. It is anticipated that the future Major Street Plan will incorporate many of these different standards. The Community Plans Division has also indicated the north/south and east/west connector streets will meet the purpose envisioned by the Subarea 13 amendment if they are built to current local street standards with 27 feet of pavement width.

The proposed plat provides a tie-in to the undeveloped Weatherstone PUD to the south, while providing 8 future stub-streets to the north, south, east, and west. Prior to the issuance of any grading permits, a revised preliminary plat shall be submitted to the Planning Department staff, including the realignment of Sandyside Drive to line up with Lakewalk Drive to provide a through street as shown in the approved Subarea 13 Plan. Sandyside drive should be renamed to Lakewalk Drive.

The plat includes the required 20 foot "C" landscape buffer yards along the perimeter of the site.

Staff has designated 9 lots as critical lots due to adjacent sinkholes. A revised preliminary plat needs to be submitted, including a (*) designating lots 2, 4, 11-15, and 153-154 as critical lots, and including a note stating: "Lots designated with an asterisk (*) on this plat are near a sinkhole. A geotechnical investigation of these sinkholes will be required prior to final plat approval for any lots in the drainage area of a sinkhole in danger of having water back up on them from detention and or the floodplain of the sinkhole during a 100 year storm, shall have a minimum lowest floor elevation established, including any unfinished basement. Prior to the issuance of any building permits for lots designated with an (*), a geotechnical inspection shall be required before footings are poured."

Staff recommends conditional approval, including a condition that the final plat must include the required Open Space Conservation Easement along the stream on the western portion of the site, since the recently amended Subarea 13 Plan included this greenway corridor to Percy Priest Lake.

SUBAREA 13 PLAN These properties fall within the Subarea 13 Plan's new Neighborhood General (NG) policy that allows for conventional residential single-family development, and provides an option for Traditional Neighborhood Development (TND). The Subarea 13 Plan also designates several new Neighborhood Center (NC) areas, which are intended to serve as nodes that are accessible within a 5 to 10

minute walk. Street connectivity is one of the central components of the success of implementation of the NG policy.

VARIANCES No variances requested.

TRAFFIC This subdivision is proposed between Pin Hook Road, Lavergne-Couchville Pike, and Hamilton Church Road, approximately 3,000 feet east of Hobson Pike. Pin Hook Road, Hamilton Church Road, and Lavergne-Couchville Pike are classified as collector streets on the Collector Street Plan, requiring 37 feet of pavement width.

Currently, Pin Hook Road has approximately 22 feet of pavement, Hamilton Church Road has approximately 23 feet of pavement, and Lavergne-Couchville Pike has approximately 22 feet of pavement width.

The Traffic Impact Study states that the traffic generated by this plan will have minor impacts on the roadway system in the study area. It also states that the current width of Hobson Pike, Pin Hook Road and Lavergne-Couchville Pike do not meet the requirements of the Major Street Plan, but due to the “minor” impact the Hallmark development will have on the local street system, as shown in the capacity analysis, it is not necessary to upgrade these streets as part of this project. “The projected traffic volumes will be well below the capacity levels of these streets.” (Page 20, Hallmark TIS).

A left-turn lane on Pin Hook Road into the project entrance through the Weatherstone PUD to the south was required as part of the Weatherstone development, while clearing vegetation at the project entrance on Pin Hook Road will also be required to improve site distance.

Metro Public Works Findings One of the stub streets will be extended to Hamilton Church in the future. The volumes on this roadway will exceed the standard for a local collector. Planning should identify this roadway and it should be designed from the first intersection within this development to the boundary of the development as a collector.”

CONDITIONS

1. Prior to the issuance of any grading permits, a revised preliminary plat shall be submitted to the Planning Department staff, including all road classifications labeled (i.e. minor local, local, etc.). Lakewalk Drive and Pin Oak Drive shall be labeled as local roads with 27 feet of pavement.

Prior to the issuance of any grading permits, a revised preliminary plat shall be submitted to the Planning Department staff, including the realignment of Sandyside Drive to line up with Lakewalk Drive to provide a through street as the Subarea 13 Plan was approved. Sandyside drive should be renamed to Lakewalk Drive.

Prior to the issuance of any grading permits, all relevant permits (TDEC) for roads crossing sinkholes areas shall be submitted to Planning Department staff, Public Works and the Stormwater Division of the Metropolitan Department of Water Services.

A revised preliminary plan needs to be submitted to the Planning Department staff, including a (*) designating lots 2,4, 11-15, and 153-154 as critical lots, and including a note stating: “Lots designated with an asterisk (*) on this plat are near a sinkhole. A geotechnical investigation of these sinkholes will be required prior to final plat approval for any lots in the drainage area of a sinkhole in danger of having water back up on them from detention and or the floodplain of the sinkhole during a 100 year storm, shall have a minimum lowest floor elevation established, including any unfinished basement. Prior to the issuance of any building permits for lots designated with an (*), a geotechnical inspection shall be required before footings are poured.”

Any final plat shall include the required “dedicated conservation greenway public access trail easement area” labeled along the stream on the western portion of the site, as outlined in the amended Subarea 13 Plan.

Mr. Albert Bender, Chairperson for Four Corners Homeowners Association, stated that this was approved at a homeowners meeting long ago, and questioned why this was back in front of the Planning Commission. He stated he had found out from Mr. Leeman that this tract of land was part of an amendment to the Subarea 8 Plan back in October. He asked for deferral so this item could go back to the community for discussion. He expressed concerns regarding school overcrowding.

Chairman Lawson explained this is not a zone change.

Mr. Tom White, representing the applicant, stated they did not want this item deferred.

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

Resolution No. 2003-8

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-064G-13 is **APPROVED WITH CONDITIONS (9-0)**.

Staff recommends approval subject to the following conditions:

1. **Prior to the issuance of any grading permits, a revised preliminary plat shall be submitted to the Planning Department staff, including all road classifications labeled (i.e. minor local, local, etc.). Lakewalk Drive and Pin Oak Drive shall be labeled as local roads with 27 feet of pavement.**
2. **Prior to the issuance of any grading permits, a revised preliminary plat shall be submitted to the Planning Department staff, including the realignment of Sandyside Drive to line up with Lakewalk Drive to provide a through street as the Subarea 13 Plan was approved. Sandyside drive should be renamed to Lakewalk Drive.**
3. **Prior to the issuance of any grading permits, all relevant permits (TDEC) for roads crossing sinkholes areas shall be submitted to Planning Department staff, Public Works and the Stormwater Division of the Metropolitan Department of Water Services.**
4. **A revised preliminary plan needs to be submitted to the Planning Department staff, including a (*) designating lots 2,4, 11-15, and 153-154 as critical lots, and including a note stating: “Lots designated with an asterisk (*) on this plat are near a sinkhole. A geotechnical investigation of these sinkholes will be required prior to final plat approval for any lots in the drainage area of a sinkhole in danger of having water back up on them from detention and or the floodplain of the sinkhole during a 100 year storm, shall have a minimum lowest floor elevation established, including any unfinished basement. Prior to the issuance of any building permits for lots designated with an (*), a geotechnical inspection shall be required before footings are poured.”**
5. **Any final plat shall include the required “dedicated conservation greenway public access trail easement area” labeled along the stream on the western portion of the site, as outlined in the amended Subarea 13 Plan.”**

4. 2002S-342G-12

Brookview Forest, Revision
Map 172, Parcels 155 and 156
Map 173, Parcels 151 and 152
Map 180, Parcels 8, 31 and 235
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval for 165 lots, a variance for a sidewalk along Nolensville Pike from the connection road south, and a variance to allow sidewalks along one side of internal streets, located abutting the southwest margin of Nolensville Pike and the north margin of Holt Road, (56.0 acres), classified RS10 district, requested by Drees Homes, owner/developer, Littlejohn Engineering Associates, Inc., surveyor

Mr. Mitchell stated staff recommends conditional approval.

Project No. Subdivision 2002S-342G-12
Project Name Brookview Forest Subdivision
Associated Cases None
Staff Reviewer Mitchell

Action *This item was scheduled for the December 12, 2002 Planning Commission meeting. It was deferred to the January 9, 2003 meeting.*

Staff Recommendation *Approve with conditions, subject to a variance to permit sidewalks along one side of only the following streets: Brookview Court, Creekside Court, Creekside Lane, Brookview Place, Buckeye Court, and Ridgecrest Drive; and subject to a variance for a sidewalk along Nolensville Road from the connection road south to the property line.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 56 acres into a 165-lot cluster lot subdivision, at a proposed density of 2.94 dwellings units per acre, a variance for a sidewalk along Nolensville Road from the connection road south, and a variance for the placement of sidewalks along both sides of all internal streets.

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

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq.ft. lots) to RS5 (minimum 5,000 sq.ft. lots). The applicant has chosen to use the RS5 district as the alternative lot size for bulk standard compliance since proposed lots range from 6,213 sq.ft. to 20,579 sq.ft.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The applicant successfully complies with, and exceeds, this requirement by proposing anywhere from 18% to 31.5% open space per phase.

HILLSIDE DEVELOPMENT STANDARDS

Critical Lots Pursuant to the Metro Subdivision Regulations, before application for a building permit on a lot designated as "critical", a plan shall be submitted to the Planning Commission staff for approval. No clearing or grading may take place before approval of the critical lot plan and issuance of a building permit.

Applicant has justified utilizing the cluster lot option because of the steep hillside topography associated with this site; however, even when utilizing the cluster lot option, the Hillside Development Standards of the Code only authorize lots on natural slopes ranging up to 25% subject to the hillside special standards and conditions.

The applicant is proposing seven lots that exceed a natural slope of 25%. The lots exceeding 25% range from 26% to 28% natural slope. As stated above, pursuant to Section 17.28.030(A)(2) of the Metro Code, "the Planning Commission may authorize lots on natural slopes ranging up to 25%, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of 25% should be recorded as common open space and permanently maintained in a natural state."

Having met with the applicant after the December 12, 2002, Planning Commission meeting, staff agreed that the determination of slope for proposed lots should be based upon the standard of contour interval found in Tables 17.28.030(A & B) of the Zoning Code. Slopes may be averaged for the entire lot area, employing slope contour intervals of two feet. Following recalculation, should the seven lots fall below 25% slope, staff would support their inclusion into the subdivision as proposed lots.

PLAN DETAILS The plan provides three points of access to the subdivision by providing connections to Nolensville Road, Holt Road, and Hickory Run, as well as a temporary cul-de-sac future connection to the Melvin Barnes property (tax map 173, part of parcel 150).

Oliver Middle School Based upon the future construction of Oliver Middle School, the applicant is proposing a connection to Nolensville Road from the proposed subdivision. Oliver Middle School is scheduled to begin construction in spring of 2003 and open for classes the fall of 2004.

SUBDIVISION VARIANCES

Sidewalk Variance The applicant is seeking a subdivision variance for the construction of sidewalks along both sides of all roads within the proposed subdivision, as well as a variance for the construction of a sidewalk along Nolensville Road from the connection road south to the property line.

Based on existing topographic conditions and the applicant's desire to minimize impacts on the hillside, staff partially supports the applicant's request to place sidewalks on only one side of the streets. Staff recommendation is that Brookview Court, Creekside Court, Creekside Lane, Brookview Place, Buckeye Court, and Ridgecrest Drive be provided with sidewalks on one side; however, based upon the potential pedestrian activity along Brookview Forest Drive because of the Hickory Run and Holt Road access points, sidewalks should be placed along both sides of Brookview Forest Drive and Hickory Run. Regarding the request for a sidewalk variance along Nolensville Road, staff supports the request for a variance from south side of the connection road south to the property line because of very steep topographic features along Nolensville Road.

SUBAREA 12 POLICY This subdivision falls within the Subarea 12 Policy's Residential Low Medium (RLM) policy, which supports a density range of about 2 to 4 dwelling units per acre. The applicant is proposing a unit density of 2.95 units per acre.

TRAFFIC ENGINEER'S FINDINGS Approve

CONDITIONS Staff recommends conditional approval of this plat subject to the submission of a revised plat:

Following recalculation of slope pursuant to the above standard, all lots with a natural slope greater than 25% must be removed from the proposed lot count, recorded as common open space, and permanently maintained in a natural state.

Lots found to include areas greater than 25% slope must fence off those areas greater than 25% prior to the issuance of building permits.

Sidewalks must be provided along both sides of Brookview Forest Drive and Hickory Run.

Before application for a building permit on a lot designated as "critical", a plan must be submitted to the Planning Commission staff for approval.

No clearing or grading may take place before approval of the critical lot plan and issuance of a building permit.

Add the following note, "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."

A temporary cul-de-sac must be provided at the temporary terminus of Brookview Forest Drive.

Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Mr. Warner Brothers expressed concerns regarding the holding pond. It is under construction and the water is coming up to the bank, the bails have washed away and water is coming across the back of his property.

Don Williams, Littlejohn Engineering, stated if those bails have been washed out it is the first we have heard of it. There is an engineer on site and those bails will be replaced. Stormwater Management has approved the plan.

Mr. Brothers asked what would he do if there were still water problems with the development when complete.

Mr. Clifton asked if Metro would take care of it.

Mr. Mitchell stated the requirements are for the development to retain all of the new waters on their property. This is also only a preliminary approval.

Mr. Bernhardt stated staff would contact Stormwater Management tomorrow and have them check it out.

Mr. Brothers stated they have actually created a new flow of water.

Ms. Leslie Shechter spoke in favor of the proposal and stated they would take care of the water problem. We have problems with condition number 3 and sidewalks on both sides of Brookview Forest Drive. There are 19 critical lots on this drive and sidewalks on one side of the street will adequately handle the pedestrian traffic in this area.

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

Mr. Sweat stated he had problems with staff being too lenient with the sidewalk variances.

Mr. Bernhardt explained the Subdivision Regulations recognize there are topographic problems within the county and make allowances for those.

Mr. McLean moved and Ms. Neilson seconded the motion, which carried unanimously, to approve staff recommendation.

Resolution No. 2003-9

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-342G-12 is **APPROVED WITH CONDITIONS (9-0)**.

Staff recommends approval subject to the following condition:

- 1. Following recalculation of slope pursuant to the above standard, all lots with a natural slope greater than 25% must be removed from the proposed lot count, recorded as common open space, and permanently maintained in a natural state.**
- 2. Lots found to include areas greater than 25% slope must fence off those areas greater than 25% prior to the issuance of building permits.**
- 3. Sidewalks must be provided along both sides of Brookview Forest Drive.**
- 4. Before application for a building permit on a lot designated as “critical”, a plan must be submitted to the Planning Commission staff for approval.**
- 5. No clearing or grading may take place before approval of the critical lot plan and issuance of a building permit.**
- 6. Add the following note, “Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings.”**
- 7. A temporary cul-de-sac must be provided at the temporary terminus of Brookview Forest Drive.**
- 8. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.”**

7. 2003S-011U-10
Elder Subdivision
Map 116-12, Parcel 110
Subarea 10 (1994)
District 25 (Shulman)

A request for preliminary plat approval for an 8 lot subdivision abutting the east margin of Estes Road, approximately 993 feet north of Abbott Martin Road, (5.07 acres), classified R20 district, requested by William L. and Linda G. Elder, owners/developers, Civil Site Design Group, surveyor.

Mr. Mitchell stated staff recommends conditional approval.

Councilmember Jim Shulman requested deferral because many of his constituents have shown up with questions.

Mr. McLean moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing and defer this item for one meeting.

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

PLANNED UNIT DEVELOPMENTS (revisions)

8. 210-73-G-14
Deloitte & Touche
Map 97, Parcel 120
Subarea 14 (1996)
District 12 (Ponder)

A request for a revision to the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development district located abutting the south margin of I-40, east of Old Hickory Boulevard, classified CL district, (17.93 acres), to redesign a portion of the parking area, resulting in the loss of 32 parking spaces, and to add a new cul-de-sac at the terminus of Hermitage Park Lane to provide a new driveway connection to the parking area of the existing office building, requested by Gresham-Smith & Partners, for Deloitte & Touche, owner.

Ms. Scott stated staff recommends approval to the PUD as an amendment and disapproval as revision to the preliminary plan.

Project No. Planned Unit Development 210-73-G-14
Project Name Deloitte & Touche
Council Bill None
Associated Case None
Staff Reviewer Scott

Staff Recommendation *Approve with conditions as a PUD amendment Disapprove as a revision to the preliminary*

APPLICANT REQUEST

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

This applicant has requested to revise the preliminary plan and for final plan approval for a portion of the Commercial Planned Unit Development to permit a new, gated access point to the parking lot on the southwest side of the PUD.

The Metro Zoning Code (17.40.120.G.2e) requires that an introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access be considered an amendment to the previously approved PUD and be referred back to Metro Council for approval. Staff has not identified any previously approved plan that depicts an access point at Hermitage Lane.

The applicant is aware that this request must be an amendment, but still decided to pursue the revised preliminary.

Existing Zoning
CL/Commercial PUD The property is currently zoned CL with a Commercial PUD overlay.

PLAN DETAILS The existing Commercial PUD was approved with only one access point that connects to Sells Drive.

Hermitage Park Lane will be extended onto the PUD for the rear entrance. A cul-de-sac turnaround will be added to the terminus of Hermitage Park Lane. The applicant will dedicate the cul-de-sac to Metro upon completion.

The proposed plan eliminates 32 parking spaces, while 782 parking spaces will remain. The Zoning Code requires 522 parking spaces.

TRAFFIC Access to this parcel is from Sells Drive, which intersects with Old Hickory Boulevard. The proposed entrance at the end of Hermitage Park Lane will be gated.

Traffic Engineer's Findings Approve

CONDITIONS

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

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

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

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

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission. A sidewalk variance will be granted for the cul-de-sac at the terminus of Heritage Park Lane. This cul-de-sac will have a gate to limit access to the parking lot. There are currently no other access points to Hermitage Park Lane and no sidewalks. Adding a sidewalk around the cul-de-sac would create an isolated sidewalk at an entrance created for vehicular access only.

Mr. Ed Owens, Gresham Smith and Partners, explained the history of this plan and the rationale of requesting this as a revision to the preliminary plan. This is actually fulfilling the Commission's dictates from the 1980's.

Mr. John Stern thanked the Commission for changing their meeting time and stated he was interested to hear the Commission's discussion on this item.

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

Mr. Fox stated minor changes are revisions and major changes are amendments. The Metro Code tells what the minor and major changes are and quoted the rule.

Mr. Sweat asked why the applicant wants to do this.

Mr. Bernhardt stated they are adding another access.

Mr. Clifton stated this case does not cause a negative impact.

Mr. Sweat asked if there was any residential areas impacted.

Mr. McLean moved and Ms. Nielson seconded the motion, which carried unanimously, to approve staff's recommendation.

Resolution No. 2003-10

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 210-73-G-14 is **APPROVED WITH CONDITIONS AS A PUD AMENDMENT (8-0)** The following conditions apply:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. 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.
5. 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.
6. A sidewalk variance will be granted for the cul-de-sac at the terminus of Heritage Park Lane. This cul-de-sac will have a gate to limit access to the parking lot. There are currently no other access points to Hermitage Park Lane and no sidewalks. Adding a sidewalk around the cul-de-sac would create an isolated sidewalk at an entrance created for vehicular access only."

9. 8-74-U-11
 Jolly Ox Restaurant
 Map 120-1, Parcel 146
 Subarea 11 (1999)
 District 13 (Derryberry)

A request to cancel one of two lots within the Commercial Planned Unit Development district located abutting the western margin of Murfreesboro Pike, 330 feet north of Glengarry Drive, classified MUL district, (.98 acres), approved to provide required parking for the existing restaurant on the adjoining property, requested by SunTrust Bank, owner.

Mr. Hardison stated the applicant has requested a deferral until January 23, 2003.

Project No. Planned Unit Development 8-74-U-11
 Project Name Jolly Ox Restaurant
 Council Bill None
 Associated Cases None
 Staff Reviewer Hardison

Staff Recommendation *Disapprove the cancellation of this portion of the PUD. Staff would support cancellation of the entire PUD.*

APPLICANT REQUEST

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

The applicant has requested the cancellation of a portion of the existing PUD.

Existing Zoning

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

CANCELLATION DETAILS The cancellation of this portion (parcel 146) of the PUD would render the adjacent property unusable. The adjacent parcel was the site of the Steak and Ale and Jolly Ox restaurants but has been reported to staff to be no longer in use due to fire damage. Without parcel 146, the existing restaurant use on parcel 144 does not have adequate parking. In 1974 when this PUD was

approved, the restaurant had to provide 55 parking spaces, which was achieved by providing parking on parcel 146.

Although staff is recommending disapproval of cancellation of this portion of the PUD, staff would recommend approval of canceling the entire PUD, as this would not render parcel 144 unbuildable.

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

Traffic Engineer's Findings Public Works has indicated that canceling this portion of the PUD would leave the remaining restaurant with inadequate on-site parking.

Ms. Nielson moved and Mr. Tyler seconded the motion, which carried unanimously, to defer this item until January 23, 2003.

MANDATORY REFERRALS

12. 2003M-001U-08

Lease Agreement between Metro and MDHA
for 1611 Jo Johnston Avenue
Map 92-8, Parcel 160
Subarea 8 (1995)
District 19 (Wallace)

An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 1611 Jo Johnston Avenue for a truancy reduction program and suspension school in the John Henry Hale Housing Development, where the lease is for a period of three (3) years from October 1, 2000 to September 30, 2003 with an option to renew for one (1) additional year at no cost to Metropolitan Government, as requested by Metro Legal Department.

Project No. Mandatory Referral 2003M-001U-08
Project Name Lease Agreement between Metro Government and MDHA for 1611 Jo Johnston Avenue
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville & Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 1611 Jo Johnston Avenue for a truancy reduction program and suspension school in the John Henry Hale Housing Development, where the lease is for a period of three (3) years from October 1, 2000, to September 30, 2003, with an option to renew for one (1) additional year at no additional cost to Metropolitan Government.

APPLICATION REQUIREMENTS None

**DEPARTMENT AND AGENCY
COMMENTS** None

RECOMMENDATION All reviewing departments and agencies recommend approval.

13. 2003M-002U-11

Lease Agreement between Metro and MDHA
for 83 University Court
Map 93-15, Parcel 108
Subarea 11 (1999)
District 19 (Wallace)

An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 83 University Court for a truancy reduction program and suspension school in the Tony Sudekum Housing Development, where the lease is for a period of three (3) years from October 1, 2000 to September 30, 2003 with an option to renew for one (1) additional year at no cost to Metropolitan Government, as requested by Metro Legal Department.

Project No. Mandatory Referral 2003M-002U-11
Project Name Lease Agreement between Metro Government and MDHA for
83 University Court
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville & Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 83 University Court for a truancy reduction program and suspension school in the Tony Sudekum Housing Development, where the lease is for a period of three (3) years from October 1, 2000, to September 30, 2003, with an option to renew for one (1) additional year at no additional cost to Metropolitan Government.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

14. 2003M-003U-08

Lease Agreement between Metro and MDHA
for 2306 26th Avenue North
Map 81-2, Parcel 168
Subarea 8 (1995)
6District 20 (Haddox)

An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 2306 26th Avenue North for a truancy reduction program and suspension school in the Cumberland View Housing Development, where the lease is for a period of three (3) years from October 1, 2000 to September 30, 2003 with an option to renew for one (1) additional year at no cost to Metropolitan Government, as requested by Metro Legal Department.

Project No. Mandatory Referral 2003M-003U-08
Project Name Lease Agreement between Metro Government and MDHA for
2306 26th Avenue North
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville & Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 2306 26th Avenue North for a truancy reduction program and suspension school in the Cumberland View Housing Development, where the lease is for a period of three years from October 1, 2000, to September 30, 2003, with an option to renew for one additional year at no additional cost to Metropolitan Government.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

15. 2003M-004U-05
Lease Agreement between Metro and MDHA
for 302 Foster Street
Map 82-11, Parcel 72
Subarea 5 (1994)
District 5 (Hall)

An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 302 Foster Street for a truancy reduction program and suspension school in the Sam Levy Homes Housing Development, where the lease is for a period of three (3) years from October 1, 2000 to September 30, 2003 with an option to renew for one (1) additional year at no cost to Metropolitan Government, as requested by Metro Legal Department.

Project No. Mandatory Referral 2003M-004U-05
Project Name Lease Agreement between Metro Government and MDHA for
302 Foster Street
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance approving a lease agreement by and between Metropolitan Government of Nashville & Davidson County acting through the Metropolitan Juvenile Courts and MDHA for the lease of space at 302 Foster Street for a truancy reduction program and suspension school in the Sam Levy Homes Housing Development, where the lease is for a period of three (3) years from October 1, 2000, to September 30, 2003, with an option to renew for one (1) additional year at no additional cost to Metropolitan Government.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Chairman Lawson stated items 12 through 15 were requested for removal from the consent agenda by Vice Chairman Small and asked the Commission to consider all the items together.

Mr. Fox stated these lease agreements have been in place for years and it appears it didn't go to Council when it should have and it is a little bit retroactive. This Commission needs to look at this as a land use.

Vice Chairman Small moved and Ms. Jones seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2003-11

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2003M-001U-08, 2003M-002U-11, 2003M-003U-08, and 2003M-004U-05 are **APPROVED (8-0).**"

OTHER BUSINESS

18. Executive Director Reports

Mr. Bernhardt announced the department's performance audit has begun and that the auditors may be in contact with the Commission for interviews. There will be a retreat scheduled around the end of the month to discuss Results Matter Program.

19. Revise Meeting Time

Chairman Lawson stated the Commission would try the 4:00 p.m. meeting time for 6 months and then re-evaluate it.

Ms. Nielson moved and Mr. Sweat seconded the motion, which carried unanimously, to approve the 4:00 p.m. meeting time for 6 months.

Mr. Sweat stated it should be noted that the Councilmember that pushed so hard for this time change is not present.

20. Legislative Update

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 p.m.

Chairman

Secretary

Minute approval this 23rd day of January 2003

