

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: July 11, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Councilmember John Summers

Absent:

Mayor Bill Purcell
Douglas Small, Vice Chairman
James McLean

Staff Present:

Richard C. Bernhardt, Executive Director
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
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 at 1:45 p.m.

ADOPTION OF AGENDA

17. 2002M-067U-10 should read, measuring 75 feet in length
Delete item 21. GIS Project with the Metropolitan Transit Authority.
Add item 24. Chairman's Comments

Ms. Nielson moved and Ms. Cummings seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Clifton seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of June 27, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Bruce Stanley spoke in favor of item 2. 2002Z-062G-14.

Councilmember Vic Lineweaver spoke in regard to the previous zone change in Bellevue, McCrory Lane improvements, the School, Parks and Crash Gate.

Mr. Bernhardt stated he has prepared letter to Council regarding the zone change, McCrory Lane improvements and the School, but the Parks and Crash Gate were not part of the Commissions approval.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

PUBLIC HEARING: Amendment to the plan for Subarea 13 for properties in and around Mt. View Road, Pin Hook Road, Hamilton Church Road, LaVergne-Couchville Pike, Old Hickory Boulevard, and Murfreesboro Road to support new residential mixed-use and commercial development in southern Davidson County

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

- 1. 2002Z-061U-08**
Map 082-05, Parcel(s) 120; Map 082-09,
Parcel(s) 80-84, 212, 215
Subarea 8 (1995)
District 20 (Haddox)

A request to change from IR district to MUN district properties within the Urban Zoning Overlay at 302, 304, 306, 308, 310 and 314 Van Buren Street, at the intersection of Van Buren Street and 4th Avenue North, 1318 3rd Avenue North, and 3rd Avenue North (unnumbered), approximately 250 feet south of Taylor Street, (1.11 acres), requested by Harry Lawrence, appellant, for M & M Contractors, Inc., owner.

Project No. Zone Change 2002Z-061U-08

Council Bill None.

Associated Cases None.

Staff Recommendation *Approve.*

APPLICANT REQUEST **Industrial Restrictive (IR) to Mixed Use Neighborhood (MUN).**

Existing Zoning

IR zoning IR 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 permits a mixture of residential and neighborhood scale commercial development.

Parks Reserves and Other Open

Space (OS) OS policy reserves designated areas for green space or parks and recreation activities.

Policy Conflict None. The Subarea 8 Plan defines the area south of Van Buren Street NU policy. The Detail Neighborhood Design Plan for Germantown, which was adopted on June 27, defines this area as mixed use. The MUN district fits the expectations of the NU mixed use policy by providing the opportunity to construct a mixture of residential and residential-scale commercial development. The Detailed Neighborhood Design Plan for the properties along Van Buren Street is OS policy with Mixed Live/Work as the alternative land use category. The request for MUN is appropriate, as it is the closest zoning district available for implementing Mixed Live/Work.

RECENT REZONINGS No.

TRAFFIC Based on typical uses in MUN zoning such as convenience market, offices, and condominiums approximately 8 to 344 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.

Metro Traffic Engineer’s

Findings Approve.

Resolution No. 2002-260

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-061U-08 is **APPROVED (6-0)**:

The proposed MUN district is consistent with the Subarea 8 Plan’s Neighborhood Urban (NU) policy and Detailed Neighborhood Design Plan for Germantown south of Van Buren Street, along 3rd Avenue North. The MUN district is consistent with the intent of the policy to provide a mixture of residential and residential-scale commercial development. MUN is also consistent with the Parks, Reserves and Other Open Space (OS) policy for properties along Van Buren Street, since this policy allows for mixed/live work as an alternative land use category.”

2. 2002Z-062G-14

Map 086-01, Parcel(s) part of 49
Subarea 14 (1996)
District 14 (Stanley)

A request to change from OR20 district to CL district property at 1004 Hickory Hill Lane, approximately 160 feet north of Lebanon Pike, (0.16 acres), requested by Larry Powell, appellant/owner.

Project No. Zone Change 2002Z-062G-14

Council Bill N/A

Associated Cases None.

Staff Recommendation *Approve. CL zoning implements Subarea 14 Plan's commercial arterial existing (CAE) policy.*

APPLICANT REQUEST Office/Residential (OR20) to Commercial (CL)

Existing Zoning

OR20 zoning OR20 zoning is intended for office and residential multi-family uses up to 20 dwelling units per acre.

Proposed Zoning

CL zoning CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

SUBAREA 14 PLAN

Policy

Commercial Arterial Existing CAE policy recognizes existing areas of "strip commercial" along arterial streets.

Policy Conflict None. Rezoning this portion of parcel 49 will make the entire parcel CL zoned property. This property is located within the CAE policy designated along Lebanon Pike. The property is surrounded by office and commercial zoning including a commercial PUD approved for a large retail use, grocery store, and drug store.

RECENT REZONINGS None.

TRAFFIC Based on typical uses in CL zoning such as convenience market, offices, and fast food restaurant approximately 12 to 1,146 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

Recommendation Approve.

Resolution No. 2002-261

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-062G-14 is **APPROVED (6-0)**:

The proposed CL district is consistent with the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy recognizing existing areas of strip commercial along arterial streets. This proposal is also consistent with the existing zoning pattern in the area."

- 5. 2002Z-065U-13**
Map 163-00, Parcel(s) 66.01
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a district to MUL district property at 5144 Hickory Hollow Parkway, abutting the northern margin of Hickory Hollow Parkway, (1.94 acres), requested by Peggy Brown, owner.

Project No. Zone Change 2002Z-065U-13

Council Bill N/A

Associated Cases None.

Staff Recommendation *Approve. MUL zoning implements the Subarea 13 Plan's commercial Retail Activity Center (RAC) policy.*

APPLICANT REQUEST Agricultural (AR2a) to Mixed Use Limited (MUL)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

Proposed Zoning

MUL zoning MUL zoning is intended for a moderately intense mixture of retail, residential, and office uses.

SUBAREA 13 PLAN

Policy

Regional Activity Center (RAC) RAC policy is intended to concentrate mixed use areas around regional shopping malls.

Policy Conflict None. The intent of the RAC policy is to surround large shopping areas with mixed use structures thereby creating an area with retail, office uses and residential within walking distance of each other. MUL zoning allows for live/work units which is the intent of the RAC policy area.

RECENT REZONINGS None.

TRAFFIC Based on typical uses in MUL zoning such as convenience market, offices, and condominiums approximately 14 to 602 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

Recommendation Approve.

Resolution No. 2002-262

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-065U-13 is **APPROVED (6-0)**:

The proposed MUL district is consistent with the Subarea 13 Plan's Retail Activity Center (RAC) policy calling for large areas of retail, office, and residential around regional shopping malls."

PRELIMINARY PLAT SUBDIVISIONS

8. 2002S-078G-04
MRS. BOBBIE HENLEY PROPERTY
Map 063, Parcel(s) 067
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary and final plat approval to subdivide one lot into two lots abutting the east margin of Hudson Road, approximately 515 feet south of Pawnee Trail, (2.67 acres), classified within the RS40 district, requested by Bobbie T. Henley, owner/developer, Tommy E. Walker, surveyor.

Project No. Subdivision 2002S-078G-04

Project Name Mrs. Bobbie Henley Property

Associated Cases None.

Staff Recommendation *Approve with conditions subject to variances for flag lot, lot depth to width ratio (4:1 rule) and lot comparability, as well as a revised final plat prior to recordation.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 2.7 acres into two (2) lots.

ZONING **RS40 district requiring minimum lot size of 40,000 sq. ft.**

SUBDIVISION VARIANCES

Lot Dimensions
(Section 2-4.2)

Frontage (A) Flag lots are generally not permitted.

Lot Width (E) Lot width at the front yard line should not be
(4:1 rule) less than 25% of the average lot depth.

The average depth of Lot 1 is 565 feet, while the width at the front yard line is 121 feet. The width at the front yard line should be 141 feet.

The average depth of Lot 2 is 400 feet, while the width at the front yard line is 32 feet. The width at the front yard line should be 100 feet.

Lot Comparability Lot frontages for the two proposed lots are not
(Section 2-4.7.) consistent with the average of lots in the comparability study. The minimum lot frontage allowed by the comparability study is 199 feet. The applicant has provided 121 feet of frontage for Lot 1 and 32 feet of frontage for Lot 2.

Lot areas for the two proposed lots are consistent with the average of lots in the comparability study. The minimum lot size allowed by comparability is 40,874 sq. ft. The applicant has provided lots sizes of 44,564 sq. ft. and 71,970 sq. ft.

Recommendation Approve variances for lot dimensions and lot comparability. This plat brings the property closer to compliance with zoning than currently exists. The lot currently is nonconforming because it contains two residences on the same piece of property. The approval of this subdivision will make the property conform to the Zoning Regulations.

Sidewalks Sidewalks are not required on residential lots that are
(Section 2-6.1) zoned for 20,000 square feet minimum lot size and greater.

TRAFFIC ENGINEER'S FINDINGS Approve.

CONDITIONS The following conditions need to be satisfied prior to final plat recordation:

An active sewer availability letter needs to be produced in order to provide options to the applicant for obtaining sewer service for the lot being created by this subdivision.
The plat should be revised to show the method of sewer service and to show any easements associated with the proposed sewer main to serve the new lot.
If it is determined that a private sewer line is necessary to serve the new lot, Public Works must approve the location of the private line within the public right-of-way prior to recordation.
If it is determined that a grinder pump is necessary to serve the new lot, a note, as required by Water Services, shall be added to the plat regarding maintenance of the pump.

Resolution No. 2002-263

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-078G-04, is APPROVED WITH CONDITIONS, SUBJECT TO VARIANCES FOR FLAG LOT, LOT DEPTH TO WIDTH RATIO (4:1) RULE) AND LOT COMPARABILITY (6-0).”

Staff recommends approval of the preliminary and final plat subject to approval of a variance for flag-shaped lots, lot depth to width ratio, lot comparability for lot frontage, and a revised plat being submitted prior to recordation, showing the following:

1. An active sewer availability letter needs to be produced in order to provide options to the applicant for obtaining sewer service for the lot being created by this subdivision.
2. The plat should be revised to show the method of sewer service and to show any easements associated with the proposed sewer main to serve the new lot.
3. If it is determined that a private sewer line is necessary to serve the new lot, Public Works must approve the location of the private line within the public right-of-way prior to recordation.
4. If it is determined that a grinder pump is necessary to serve the new lot, a note, as required by Water Services, shall be added to the plat regarding maintenance of the pump.
5. Proposed lot lines shall be adjusted to comply with required setbacks in regard to existing improvements.”

9. 2002S-137U-03
 O'NEILL PROPERTY
 Map 070-09, Parcel(s) 034
 Subarea 3 (1998)
 District 2 (Black)

A request for preliminary and final plat approval to subdivide a portion of one lot into two lots abutting the south margin of Lincoln Avenue, opposite West Street, (1.58 acres), classified within the R10 district, requested by Michael W. O'Neill, owner/developer, Dale and Associates, surveyor.

Project No. Subdivision 2002S-137U-03
Project Name **O'Neill Property, Resubdivision**
Associated Cases None
Staff Recommendation *Approve since this plat will correct a non-conforming use situation subject to variances for flag lot, lot depth to width ratio (4:1 rule), 3 times lot size rule, lot comparability for frontage, and for non-radial lot lines, and a revised plat prior to recordation.*

APPLICANT REQUEST

___ Preliminary Plat X Preliminary & Final Plat ___ Final Plat

Subdivide an existing 1.58-acre lot into two (2) lots.

Originally a duplex residence existed on this parcel with an accessory structure located directly behind the principle dwelling units. In 1967, the property owner received a variance from the Board of Zoning Appeals to allow the construction of additional dwelling units above the existing accessory structure. A condition of the BZA approval was that at such time that the current residents vacated the new dwelling units, the structure was to revert to a lawful accessory structure. This reversion never occurred and two (2) duplexes have remained on the same parcel since 1967. Therefore, the applicant's request to subdivide the existing parcel into two (2) lots, if approved, will bring the existing residences into compliance with current zoning requirements.

ZONING

Existing Zoning R10 district requiring minimum lot size of 10,000 sq. ft.

SUBDIVISION VARIANCES

Lot Dimensions

(Section 2-4.2)

Frontage (A) Flag lots are generally not permitted.

Non-Radial Lot Lines Side lot lines must be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Since the existing residences are stacked on the property, in order to create two (2) lots with one (1) residence per lot, the surveyor utilized non-radial lot lines to separate the structures, as well as provide street frontage for each lot.

Lot Area (D)

(3 times lot size rule) Proposed lot sizes are not to exceed 3 times the minimum lot size required by zoning ($3 \times 10,000 = 30,000$ sq. ft.). Both proposed lots exceed the minimum square footage of the R10 base zoning by 3 times at 35,948 sq. ft. and 32,382 sq. ft., respectively. The existing parcel is a flag shaped parcel where the largest majority of land is located in the southern portion of the property. Although there is the potential to further subdivide this parcel into buildable lots, the property owner wants to bring the existing residences into compliance with current zoning regulations. In order to do so, subdividing the property into two (2) lots helps make this happen but creates two (2) lots that exceed the 3 times rule.

Lot Width (E)

(4:1 rule) Lot width should not be less than 25% of the average lot depth. The average depth of both lots is 385 feet. 25% of the lot depth requires a minimum lot width of 96.25 feet. Because of the requirement to use non-radial lot lines to assist in bringing the property into compliance with current code requirements, portions of both lots fall below the minimum width requirement of 96.25 feet. The width of lot 1 drops as low as 23 feet at one point and widens to 75 feet at the street frontage. The width of lot 2 drops as low as 10 feet along the east property line and then widens to only 15 feet at the street frontage.

Lot Comparability

(Section 2-4.7) Lot frontage for lot 2 is not consistent with the majority of lots considered in the lot comparability study. The minimum lot frontage allowed by the comparability study is 69 feet of street frontage. The applicant is providing a frontage of 15 feet for lot 2 due to the non-radial lot lines created in

Recommendation Approve variances for lot depth to width ratio (4:1 rule), 3 times lot size rule, lot comparability for frontage, and for non-radial lot lines. Staff recommends approval of the requested variances since the existing non-conforming flag shaped lot will be brought into conformance with the zoning regulations with this plat.

TRAFFIC ENGINEER'S FINDINGS Approve

Resolution No. 2002-264

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-137U-03, is APPROVED, SUBJECT TO VARIANCES FOR FLAG LOT, LOT DEPTH TO WIDTH RATIO (4:1 RULE), 3 TIMES LOT SIZE RULE, LOT COMPARABILITY FOR FRONTAGE, AND FOR NON-RADIAL LOT LINES (6-0).”

FINAL PLAT SUBDIVISIONS

12. 2002S-178G-07

RICHLAND REALTY COMPANY WESTLAWN, Resubdivision of Part of Lot 332
Map 103-08, Parcel(s) 162
Subarea 7 (2000)
District 24 (Summers)

A request for preliminary and final plat approval to subdivide part of one lot into two lots abutting the south margin of Westlawn Drive, approximately 920 feet east of Westlawn Court, (.82 acres), classified within the RS7.5 district, requested by Brian M. and Gerald C. Smith, owners/developers, John Kohl and Company, surveyor.

Project No. Subdivision 2002S-178G-07
Project Name **Richland Realty Company Westlawn, Resubdivision of part of Lot 332**

Associated Cases None
Staff Recommendation *Approve with conditions subject to a variance for lot depth to width ratio (4:1 rule) and a revised plat prior to recordation.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Resubdivide part (.82 acres) of original lot 332, in the West Lawn subdivision, into two (2) lots.

ZONING

Existing Zoning RS7.5 district requiring minimum lot size of 7,500 sq. ft. Proposed lots meet zoning requirement by providing a 17,966 sq. ft. lot and a 17,842 sq. ft. lot.

Overlay Zone Property located within the Urban Zoning Overlay zone.

SUBDIVISION VARIANCES

Lot Dimensions

(Section 2-4.2)

Lot Width (E)

(4:1 rule)

Lot width should not be less than 25% of the average lot depth. The average depth of both lots is 357.95 feet. 25% of the lot depth requires a minimum lot width of 89.5 feet, and the proposed lots are only 54 feet wide.

Recommendation Approve variance for lot width rule. The West Lawn subdivision was platted in 1912. The original lot 332, in addition to the majority of the subdivided lots, provided for an average lot depth of 475 feet. Resubdividing a part of lot 332 along platted lot lines does not create incomparable lots.

TRAFFIC ENGINEER'S

FINDINGS Approve

CONDITIONS Prior to plat recordation, the following corrections need to be made to this resubdivision plat:

Add the required 5-foot sidewalk along the frontage of the newly created lot in accordance with Metro Public Works sidewalk design standards.

Add new parcel number (294) to the newly created lot two (2).

Resolution No. 2002-265

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-178G-07 is APPROVED WITH CONDITIONS, SUBJECT TO A VARIANCE FOR LOT DEPTH TO WIDTH RATIO (4:1 RULE) (6-0).”

PLANNED UNIT DEVELOPMENTS (revisions)

13. 192-69-G-12
Hickory Plaza Kroger Store
Map 161, Parcel(s) Part of 163
Subarea 12 (1997)
District 30 (Kerstetter)

A request for a revision to the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development District located abutting the northwest corner of Nolensville Pike and Old Hickory Boulevard, classified within the SCR district, (1.02 acres), to permit a fuel pumping station addition for the existing Kroger Store, requested by CEI Engineering Associates, for Summit Insured Equity, L.P.

Project No. Planned Unit Development 192-69-G-12
Project Name Hickory Plaza Kroger Store
Council bill None.
Associated Cases None.

Staff Recommendation *Approve with conditions subject to a corrected plan to be received prior to the Planning Commission meeting.*

APPLICANT REQUEST

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

Request to revise the preliminary PUD plan and for final approval to permit a fuel pumping station addition for the existing Kroger store.

Existing Zoning

SCR Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

PLAN DETAILS The proposed gas station will be part of the existing Kroger store. The plan includes four (4) pump islands, with no direct access to Old Hickory Boulevard, and a 100-square-foot kiosk. All access will be through existing private driveways on the Kroger site.

This plan includes the relocation of the Pizza Hut access. A conflict existed between the Pizza Hut access and the path of traffic entering and exiting the fuel pumps. The proposed access is located in the northeast corner of the Pizza Hut site to alleviate the conflict.

The plan complies with Zoning Ordinance requirements, including a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Old Hickory Boulevard.

TRAFFIC/CONDITIONS

Traffic Engineer's

Findings Approve.

RECENT REVISIONS/ APPROVALS A revision to the preliminary and final PUD plan was last revised on May 23, 2002 to permit the expansion of the existing Kroger store into the adjacent retail space previously occupied by CVS pharmacy, construct façade improvements and add a pharmacy drive-thru window.

CONDITIONS The Metropolitan Codes Department is also requiring several conditions to meet Metro Plumbing Codes since the gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows subject to a corrected plan to be received prior to the Planning Commission meeting:

Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility. The kiosk shall not exceed 100 square feet. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store. The gas station shall be on the same or contiguous parcel of land as the main retail store. The employee operating the gas station shall be an employee of the retail store. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store. No customers shall be permitted in the kiosk. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store. A fire hydrant is required to be within 500 feet of all portions of the fuel station. The existing access on the west side of the Pizza Hut site needs to be removed and the new access on the north side of the site needs to be open and functioning prior to the opening of the fuel station. The plans need to be corrected to show this change.

Resolution No. 2002-266

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 192-69-G-12 is given **CONDITIONAL FINAL PUD APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
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. Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
7. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
8. The kiosk shall not exceed 100 square feet.
9. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
10. The gas station shall be on the same or contiguous parcel of land as the main retail store.
11. The employee operating the gas station shall be an employee of the retail store.
12. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
13. No customers shall be permitted in the kiosk.
14. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
15. A fire hydrant is required to be within 500 feet of all portions of the fuel station.
16. The existing access on the west side of the Pizza Hut site needs to be removed and the new access on the north side of the site needs to be open and functioning prior to the opening of the fuel station. The plans need to be corrected to show this change."

14. 13-87-P-14
 Chandler Square (Eckerd Drugs)
 Map 86, Parcel(s) 219
 Subarea 14 (1996)
 District 12 (Ponder)

A request for final approval for a portion of the Commercial Planned Unit Development District located abutting the northeast corner of Old Hickory Boulevard and Andrew Jackson Parkway, classified within the R8 district, (2.47 acres), to develop a 14,280 square foot retail drug store, requested by Littlejohn Engineering Associates, for First B Realty L. P., owner.

Project No. Planned Unit Development 13-87-P-14

Project Name Chandler Square (Eckerd Drugs)

Council Bill None

Associated Cases None

Recent Revisions/Approvals Yes. Amended Preliminary PUD plan was approved by the Planning Commission on March 14, 2002, and subsequently approved by the Metro Council.

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

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

Permit a 14,280 square foot retail drug store and the relocation of parking spaces from the rear of the property to the front of the property.

PLAN DETAILS Proposal is consistent with the preliminary PUD plan approved by the Metro Council earlier this year. This plan relocated the eastern property line by approximately 20 feet to allow more parking spaces to be added near the front door of the building. Several parking spaces near Andrew Jackson Parkway were deleted from the plan. The plan provides 71 parking spaces, meeting the Zoning Ordinance requirements.

Resolution No. 2002-267

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 13-87-P-14 is given **CONDITIONAL APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.”

15. 77-87-P-03
Nocturne Forest, Phase 3
Map 70-03, Parcel(s) 40
Subarea 3 (1998)
District 2 (Black)

A request for final approval for a phase of the Planned Unit Development District located abutting the southern terminus of Nocturne Forest Drive, east of Old Buena Vista Road, classified within the RS15 district, (4.61 acres), to permit the development of seven single-family lots, requested by Ragan-Smith and Associates, for Chateau Associates LTD., owner.

Project No. Planned Unit Development 87P-077U-03
Project Name Nocturne Forest Residential PUD, Phase 3
Council Bill None
Associated Case None
Staff Recommendation *Conditional Approval*

APPLICANT REQUEST

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

Permit the development of seven (7) single-family lots on the 4.6-acre phase 3 site. This final PUD plan complies with the approved preliminary phase 3 plan.

ZONING

RS15 district permitting single-family dwellings, requiring a minimum of 15,000 square foot lots.

The applicant has utilized the PUD provision allowing reduced lot sizes in order to accommodate additional common open space. Lot sizes range from 12,642 sq. ft. to 26,820 sq. ft.

TRAFFIC ENGINEER'S FINDINGS

Approve

RECENT REVISIONS/

APPROVALS Yes. The preliminary PUD plan was amended and approved by Metro Council on May 22, 2001 (BL2001-656) permitting the elimination of the connection of Nocturne Forest Drive through to Old Buena Vista Drive. In March 2002, the preliminary plan was revised to permit the development of the seven (7) single-family lots replacing 33, unbuilt, multi-family units. The revised plan created the single-family lots in conjunction with the approved permanent dead-end street.

CONDITIONS Prior to the issuance of any building permits, a final plat needs to be recorded that revises the approved phase 2 plat, in addition to the final plat for phase 3, for a drainage easement and reconfiguration of lot 39, and subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.

Resolution No. 2002-268

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 77-87-P-03 is **APPROVE WITH CONDITIONS (6-0).**”

MANDATORY REFERRALS

16. 2002M-063U-08

Council Resolution No. RS2002-1075
North Precinct Easement Acquisition
Map 81-02, Parcel(s) 205; Map 81-02, Parcel(s) 173
Subarea 8 (1995)
District 20 (Haddox)

A council resolution authorizing the acquisition of a 15-foot permanent sewer easement across a portion of private property for the construction of the North Nashville Police Precinct and the granting of an easement by Metro Government to the private property grantor for a fenced area for dumpsters and appurtenances, located at Clarksville Highway and 26th Avenue North, requested by the Director of Public Property Administration.

Project No. Mandatory Referral 2002M-063U-08
Project Name North Nashville Police Precinct
Easement Acquisition & Disposal
Council Resolution RS2002-1075
Staff Recommendation *Conditional Approval*

APPLICATION REQUEST Council Resolution authorizing acquisition of a 15-foot sewer easement across a portion of private property for construction of North Nashville Police Precinct, and the granting of a non-exclusive easement by Metro Government to the latter grantor for a dumpster area.

Easement to be acquired will be 15 feet by 174 feet in length and located on an existing Burger King site (map 81-02, parcel 205) on Clarksville Highway at 26th Avenue North. Easement to be granted located at the rear of the restaurant site.

APPLICATION REQUIREMENTS None.

DEPARTMENT AND AGENCY
COMMENTS None.

RECOMMENDATION

Staff recommends conditional approval subject to approvals by all reviewing agencies and departments.

Resolution No. 2002-269

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-063U-08 is **APPROVED (6-0) with conditions.**"

17. 2002M-067U-10
Centennial Medical Center Canopy and Pedestrian Bridge
Map 92-11, Parcel(s) 152, 195
Subarea 10 (1994)
District 21 (Whitmore)

A request to construct an elevated pedestrian crossing and canopy over the 23rd Avenue North right-of-way, measuring 75 feet in length over the right-of-way with 14.1 feet of clearance above the right-of-way, for Centennial Medical Center, requested by HCA Realty, Inc. and Centennial Surgery Center, LP, owners.

Project No. Mandatory Referral 2002M-067U-10
Project Name HCA / Centennial Medical Center Aerial Encroachment
Council Bill No
Staff Recommendation *Approval*

APPLICANT REQUEST

Aerial Encroachment to construct elevated pedestrian crossing and canopy over public right-of-way of 23rd Avenue North. Pedestrian crossing will span the entire 75-foot right-of-way with an overall length of 115 feet from building to building, and a clearance height of 14.1 feet above the sidewalk and street. Canopy will be cantilevered from the pedestrian crossing and will encroach 17 feet into the right-of-way with a clearance height of 14.1 feet above the sidewalk.

APPLICATION REQUIREMENTS

License to Encroach Agreement Yes – one was submitted in correct form.

Insurance Certificate Yes – one was submitted providing general liability of \$1,000,000 for each occurrence, and \$3,000,000 aggregate coverage, as required by Metro Legal.

Property Owner Sign Application Yes

Tenant Sign Application Yes (owner and tenant are one in the same).

DEPARTMENT AND AGENCY

RECOMMENDATIONSAll reviewing departments and agencies recommend approval.

Resolution No. 2002-270

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-067U-10 is **APPROVED (6-0).**"

18. 2002M-068U-10
HCA Sewer Easement Abandonment
Map 92-11, Parcel(s) 152, 174, 381, 382, 394
Subarea 10 (1994)
District 21 (Whitmore)

A request for sewer line and easement abandonment for Project No. 02-SG-91, located at 24th Avenue North, Alley 909 and Alley 927 for upgrades to the Centennial Medical Center, requested by Metro Department of Water and Sewerage Services.

Project No. Mandatory Referral 2002M-068U-10
Project Name HCA / Centennial Medical Center
Easement & Sewer Line Abandonment
Water & Sewerage Services Project No. 02-SG-91
Staff Recommendation *Conditional Approval*

APPLICATION REQUEST Request for easement and sewer line abandonment within former Alley 909, Alley 927, and 24th Avenue North for Water Services Project No. 02-SG-02 for upgrades to the Centennial Medical Center.

Easements and sewer lines were retained when the alleys and portions of 24th Avenue North and Leslie Avenue were abandoned (closed) by Council BL2002-979 on April 3, 2002.

APPLICATION REQUIREMENTS None.

DEPARTMENT AND AGENCY COMMENTS None.

RECOMMENDATION
Staff recommends conditional approval subject to approvals by all reviewing agencies and departments.

Resolution No. 2002-271

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002M-068U-10 is **APPROVED (6-0) with conditions.**"

OTHER BUSINESS

19. Grant Agreement Between the State of Tennessee, Department of Transportation and Nashville-Davidson County Metropolitan Planning Organization

Resolution No. 2002-272

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** a Grant Agreement Between the State of Tennessee, Department of Transportation and Nashville-Davidson County Metropolitan Planning Organization."

20. Consider a request to rehear a sidewalk variance request for Glen Echo Subdivision, Resubdivision of lot 27, 2002S-158U-10, requested by Gregory Perrone, Trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Originally heard on 6/13/02).

22. Employee contract for Marcus Hardison

Resolution No. 2002-273

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Marcus Hardison for one year from July 22, 2002 through July 21, 2003.

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 3. 2002Z-063G-14**
 Map 097-13, Parcel(s) 34
 Subarea 14 (1996)
 District 14 (Stanley)

A request to change from CL district to CS district property at Percy Priest Drive (unnumbered), approximately 150 feet east of Fitzpatrick Road, (11.11 acres), requested by Brett Smith of Ragan-Smith and Associates, appellant, for Nashville Land Fund, Ltd., owner. (See PUD Proposal No. 155-74-G-14).

- 4. 155-74-G-14**
 Larchwood Commercial
 Map 97-13, Parcel(s) 34
 Subarea 14 (1996)
 District 14 (Stanley)

A request to amend a portion of the Commercial Planned Unit Development District located abutting the north margin of Blackwood Drive and the south margin of Percy Priest Drive, classified within the CL district and proposed for CS district, (11.11 acres), to permit a 92,700 square foot retail, office and restaurant center, replacing an undeveloped 87,200 square foot retail and restaurant center, requested by Ragan-Smith and Associates, for Nashville Land Fund LTD., owner. (See Zone Change Proposal No. 2002Z-063G-14).

Mr. Leeman stated staff is recommending conditional approval.

Project No. Zone Change 2002Z-063G-14

Associated Case Planned Unit Development 155-74-G-14

Council Bill N/A

Staff Recommendation *Approve with conditions, including road improvements to Blackwood Drive and Percy Priest Drive to bring both streets to collector street standards from Bell Road to the western property line of parcel 34, and to make turn lane improvements as required by the Metro Traffic Engineer.*

APPLICANT REQUEST CL (Commercial Limited) to CS (Commercial Services)

Existing Zoning

CL zoning CL is intended for retail, consumer service, financial, restaurant and office uses.

Proposed Zoning

CS zoning CS is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, light-manufacturing, auto-repair, vehicular sales, distributive business wholesale, retail, office, and restaurants.

SUBAREA 14 PLAN

Policy

Commercial Mixed

Concentration (CMC) CMC policy calls for a wide range of mixed commercial development, including offices, retail, and consumer service uses.

Policy Conflict No. The CS district is consistent with the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy calling for a wide range of commercial services, including offices, research activities, and commercial activities providing both consumer goods and services and employment.

RECENT REZONINGS Yes. The Planning Commission disapproved a request to amend the PUD and rezone (99Z-159U-14) the same property to industrial warehousing/distribution (IWD) on November 24, 1999, finding that industrial was not consistent with the General Plan. The proposed PUD amendment included three office/warehouse buildings containing a total of 149,150 square feet of warehouse/office uses.

TRAFFIC Blackwood Drive and Percy Priest Drive need to be upgraded to collector street standards, with 37 feet of pavement, from Bell Road to the western property line of parcel 34 on tax map 97-13. Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

61,900 square feet of office uses = 205 trips
25,300 square feet of restaurant = 661 trips
5,500 square feet of vehicular sales = 116 trips

Traffic Engineer’s

Findings The Metro Traffic Engineer has indicated that Percy Priest Drive needs to be re-stripped to make a left- turn lane onto the new public road from Percy Priest Drive. Blackwood Drive needs to be improved to provide a new continuous left-turn lane for all access points in the amended portion of the plan.

Project No. Planned Unit Development 155-74-G-14

Project Name Larchwood Commercial

Council Bill None

Associated Cases 2002Z-063G-14

Recent Revisions/Approvals Yes. Preliminary PUD plan was disapproved by the Planning Commission on November 29, 1999, for a proposed industrial and warehousing facility.

Staff Recommendation *Approve with conditions, including road improvements to Blackwood Drive and Percy Priest Drive to bring both streets to collector street standards from Bell Road to the western property line of parcel 34, and to make turn lane improvements as required by the Metro Traffic Engineer.*

APPLICANT REQUEST

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

Permit 92,700 square feet of retail, restaurant, vehicular sales, office, research service, and distributive business wholesale uses in 13 buildings on 11 acres, replacing 87,200 square feet of retail and restaurant uses.

Existing Zoning

CL/Commercial PUD Preliminary PUD plan is approved for 87,200 square feet of retail and restaurant uses on this portion of the PUD. The overall PUD is currently proposed for 471,948 square feet, including retail, restaurants, gas station, office, car wash, hotel, and a building materials use.

PLAN DETAILS

The proposed plan amends a portion of the existing PUD to change from a retail center containing a 38,000 square foot building materials store, a 43,100 square foot building with specialty shops retail, and restaurants to an office, distributive wholesale, retail/restaurant, and distributive business wholesale center.

Distributive business wholesale is defined as “the sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space within tenant areas, with the showroom and office area not exceeding fifty percent of the total floor area permitted on the parcel.”

Distributive business wholesale is permitted with conditions (PC), including no outdoor storage, no service doors for loading docks facing residentially zoned property, landscape buffer yard D along property lines next to residential property, and no buildings larger than 25,000 square feet.

Although there is a request to change the base zoning to CS, the PUD plan includes a note stating that any request to change the plan to include hospital, automobile repair, carpet cleaning, laundry plants, self-service storage, wrecker service, fuel storage, helistop, power plant, drive-in movie, stadium arena, or convention center will require a PUD amendment, requiring Metro Council approval. These uses are allowed under the CS base zoning.

TRAFFIC

Blackwood Drive and Percy Priest Drive need to be upgraded to collector street standards, with 37 feet of pavement, from Bell Road to the western property line of parcel 34 on tax map 97-13. Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

61,900 square feet of office uses = 205 trips
25,300 square feet of restaurant = 661 trips
5,500 square feet of vehicular sales = 116 trips

Traffic Engineer’s

Findings

The Metro Traffic Engineer has indicated that Percy Priest Drive needs to be re-striped to make a left- turn lane onto the new public road from Percy Priest Drive. Blackwood Drive needs to be improved to provide a new continuous left-turn lane for all access points in the amended portion of the plan.

Councilmember Stanley stated he has had discussions with Ragan-Smith and Associates regarding not amending this PUD in the future. He has heard concerns from the community regarding a traffic signal, increased traffic and safety.

Mr. Andy Chivis, and Mr. Bill Tucker expressed concerns regarding the jump from CL to CS and the article in the newspaper stating Landmark Development does not plan to develop the property.

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

Councilmember Summers asked that normally isn’t the CS in the front of the development.

Mr. Leeman normally that is the case.

Mr. Charlie Lowe, Ragan-Smith and Associates, stated it is oriented toward Blackwood Drive because it is more developed.

Councilmember Summers stated that from a planning standpoint this could be justified but from a zoning standpoint it is not yet justified.

Mr. Leeman stated there is a note on the plan limiting several uses. If those use changes come up it will go back to Council for changes in restrictions.

Councilmember Summers stated Sonny West , Codes Administration, says Council can't limit uses.

Mr. Fox stated the Commission and Council could limit the uses.

Councilmember Summers asked for clarification in writing from Mr. Fox.

Councilmember Summers moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this item until the July 25, 2002, meeting.

6. 2002Z-066G-13
Map 175-00, Parcel(s) 166
Subarea 13 (1996)
District 29 (Holloway)

A request to change from R10 district to CL district property at LaVergne-Couchville Pike (unnumbered), at the intersection of LaVergne-Couchville Pike and Murfreesboro Pike, (10.80 acres), requested by Alan Thompson of Ragan-Smith and Associates, appellant, for F & D Development, owner. (See PUD Proposal No. 72-86-P-13).

7. 72-86-P-13
Hickory Woods East
Map 175, Parcel(s) 175, 51, 154, 166
Subarea 13 (1996)
District 29 (Holloway)

A request to amend the Planned Unit Development District located abutting the east margin of Murfreesboro Pike between Hickory Woods Drive and LaVergne Couchville Pike, classified within the R10, CS and CL districts, and a 10.8 acre portion proposed for CL district, (12.71 acres), to add three undeveloped parcels of land totaling 2.29 acres and to permit the development of a 97,718 square foot retail shopping center, replacing 108,600 square feet of undeveloped retail, requested by Ragan-Smith and Associates for F & D Development Inc., owner. (See Zone Change Proposal No. 2002Z-066G-13).

Mr. Mitchell stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-066G-13

Project Name Hickory Woods East

Council Bill None

Associated Cases Planned Unit Development #72-86-P-13,
Hickory Woods East

Staff Recommendation *Approve with conditions, specified in Metro Public Works' departmental traffic comments, and since this property currently lies within an existing commercial PUD, since it surrounds and abuts CS and CL zoning on the east side of Murfreesboro Pike, and since this PUD provides good and direct access to arterial and collector roadways.*

APPLICANT REQUEST Residential (R10) to Commercial Limited (CL)

Existing Zoning

R10 zoning / Commercial PUD Single-family or duplex residential, requiring minimum lot sizes of 10,000 square feet.

Proposed Zoning

CL zoning Retail trade, consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices, but specifically prohibiting automotive sales and repair as well as more intensive commercial uses.

SUBAREA PLAN

Policy Residential Medium High (RMH)
 9 to 20 dwelling units per acre

Although this property falls within a residential policy, this commercial PUD was established in 1986, prior to the adoption of the current Subarea 13 Plan. Changing the zoning to CL district will actually bring the existing commercial PUD into compliance with current zoning regulations which requires the base zoning to be consistent with what is proposed in the PUD.

RECENT REZONINGS No

TRAFFIC

Based on typical uses in the CL zoning, such as office, retail, sit-down or fast food restaurants, approximately 160 to 2,480 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different intensities could generate more or less traffic.

Traffic Study Submitted Yes

Metro Traffic Engineer’s

Findings Metro Public Works Department submitted comments on a Traffic Impact Study on July 3, 2002 and provided the following comments:

At the LaVergne – Couchville Pike site access; a new left turn lane needs to be constructed with 75 feet of storage.

Widen LaVergne – Couchville Pike to a 3-lane section from Murfreesboro Pike to the site access. This will allow LaVergne – Couchville Pike to be striped with separate left and right turn lanes at the existing signal on Murfreesboro Pike.

At the Murfreesboro Pike north site access, the site access should be constructed with separate left and right turn lanes exiting on to Murfreesboro Pike, and an existing shared center turn lane on Murfreesboro Pike should be re-striped at the site access to a left turn lane.

At Murfreesboro Pike and Hickory Woods Drive, the existing pavement on Hickory Woods Drive should be striped to include separate left and right turn lanes at Murfreesboro Pike.

At the Hickory Woods Drive site access, site access should be constructed with separate left and right turn lanes exiting onto Hickory Woods Drive.

At the Murfreesboro Pike southern site access, staff recommends removing the median on Murfreesboro Pike at this driveway and extending the center turn lane from the northern site access, making this a full movement access point. If median is removed, the site access should be constructed with separate left and right turn lanes exiting onto Murfreesboro Pike.

Because this site is projected to increase left turn lanes from Hickory Woods Drive by 43% in the AM peak and 67% in the PM peak, the Level of Service (LOS) at this intersection is expected to be LOS ‘D’ and LOS ‘F’, respectively. Due to the unacceptable LOS and the anticipated safety concerns we have with high numbers of left turns at busy intersections, we are recommending a traffic signal be installed by this developer at the intersection of Murfreesboro Pike and Hickory Woods Drive.

Project No. Planned Unit Development 72-86-P-13
Project Name Hickory Woods East Commercial PUD

Council Bill None
Associated Case 2002Z-066G-13
Staff Recommendation *Conditional Approval*

APPLICANT REQUEST

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

Amend preliminary PUD plan to 1) incorporate 2.29 acres of surrounding property into the PUD, and 2) to revise the development plan to permit 97,718 sq. ft. of general retail and a fuel center.

ZONING R10, CL, and CS districts. The applicant is seeking a rezoning of the R10 portion of the development site (parcel 166) to CL district. (2002Z-066G-13)

SUBAREA 13 PLAN

Policy Subarea 13 RMH (Residential Medium High) Policy. Although this property falls within a residential policy, this development site was approved for a commercial PUD in 1986, which allowed for the development of 108,600 sq. ft. of strip retail. The applicant is also seeking a rezoning of parcel 166 of the PUD to CL district to bring this commercial PUD into conformity with current code requirements.

TRAFFIC ENGINEER'S FINDINGS A Traffic Impact Study was provided for this proposal.

Metro Public Works Department submitted comments on the Traffic Impact Study on July 3, 2002 and provided the following comments:

At the LaVergne – Couchville Pike site access; a new left turn lane needs to be constructed with 75 feet of storage.

Widen LaVergne – Couchville Pike to a 3-lane section from Murfreesboro Pike to the site access. This will allow LaVergne – Couchville Pike to be striped with separate left and right turn lanes at the existing signal on Murfreesboro Pike.

At the Murfreesboro Pike north site access, the site access should be constructed with separate left and right turn lanes exiting on to Murfreesboro Pike, and an existing shared center turn lane on Murfreesboro Pike should be re-striped at the site access to a left turn lane.

At Murfreesboro Pike and Hickory Woods Drive, the existing pavement on Hickory Woods Drive should be striped to include separate left and right turn lanes at Murfreesboro Pike.

At the Hickory Woods Drive site access, site access should be constructed with separate left and right turn lanes exiting onto Hickory Woods Drive.

At the Murfreesboro Pike southern site access, staff recommends removing the median on Murfreesboro Pike at this driveway and extending the center turn lane from the northern site access, making this a full movement access point. If median is removed, the site access should be constructed with separate left and right turn lanes exiting onto Murfreesboro Pike.

Because this site is projected to increase left turn lanes from Hickory Woods Drive by 43% in the AM peak and 67% in the PM peak, the Level of Service (LOS) at this intersection is expected to be LOS 'D' and LOS 'F', respectively. Due to the unacceptable LOS and the anticipated safety concerns we have with high numbers of left turns at busy intersections, we are recommending a traffic signal be installed by this developer at the intersection of Murfreesboro Pike and Hickory Woods Drive

RECENT REVISIONS/

APPROVALS Yes. The preliminary PUD plan was approved on September 16, 1986 (BL86-1393) to permit the development of 108,600 sq. ft. of strip general retail.

CONDITIONS 1. Prior to the issuance of any building permits, a final plat needs to be recorded subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.

2. Traffic improvements recommended by the Metro Public Works Department need to be incorporated into final approval of the PUD.

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

Resolution No. 2002-274

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-066G-13 is **APPROVED (6-0) with conditions:**

The proposed CL district is consistent with the existing commercial PUD on this property and will bring the existing commercial PUD into compliance with current the current zoning regulations requiring the base zoning to be consistent with what is proposed in the PUD. It is also consistent with the existing zoning pattern on the east side of Murfreesboro Pike with good and direct access to arterial and collector roadways. The PUD was approved prior to the adoption of the current Subarea 13 Plan."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 72-86-P-13 is given **CONDITIONAL APPROVAL OF THE REQUESTED PUD AMENDMENT (6-0):** The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
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 prior to the issuance of any building permits.
5. Prior to the issuance of any building permits, the following traffic improvements must be incorporated into final PUD approval:
 - At the LaVergne – Couchville Pike site access; a new left turn lane needs to be constructed with 75 feet of storage.
 - Widen LaVergne – Couchville Pike to a 3-lane section from Murfreesboro Pike to the site access. This will allow LaVergne – Couchville Pike to be striped with separate left and right turn lanes at the existing signal on Murfreesboro Pike.
 - At the Murfreesboro Pike north site access, the site access should be constructed with separate left and right turn lanes exiting on to Murfreesboro Pike, and an existing shared center turn lane on Murfreesboro Pike should be re-striped at the site access to a left turn lane.
 - At Murfreesboro Pike and Hickory Woods Drive, the existing pavement on Hickory Woods Drive should be striped to include separate left and right turn lanes at Murfreesboro Pike.
 - At the Hickory Woods Drive site access, site access should be constructed with separate left and right turn lanes exiting onto Hickory Woods Drive.

- At the Murfreesboro Pike southern site access, staff recommends removing the median on Murfreesboro Pike at this driveway and extending the center turn lane from the northern site access, making this a full movement access point. If median is removed, the site access should be constructed with separate left and right turn lanes exiting onto Murfreesboro Pike.
- Because this site is projected to increase left turn lanes from Hickory Woods Drive by 43% in the AM peak and 67% in the PM peak, the Level of Service (LOS) at this intersection is expected to be LOS 'D' and LOS 'F', respectively. Due to the unacceptable LOS and the anticipated safety concerns we have with high numbers of left turns at busy intersections, we are recommending a traffic signal be installed by this developer at the intersection of Murfreesboro Pike and Hickory Woods Drive.”

PRELIMINARY PLAT SUBDIVISIONS

10. 2002S-184G-04
 CHADWELL TRACT, Lot 1
 Map 052-01, Parcel(s) 325
 Subarea 4 (1998)
 District 8 (Hart)

A request for preliminary plat approval for four lots abutting the southwest margin of Neelys Bend Road, opposite Lanier Drive, (1.14 acres), classified within the RS10 district, requested by Eric R. and Karen Lee Allison, owners/developer, Land Surveying, Inc., surveyor.

Mr. Hardison stated staff is recommending approval subject to a revised preliminary plat.

Project No. Subdivision 2002S-184G-04
Project Name **Chadwell Tract, Lot 1**
Associated Cases None.
Staff Recommendation *Approve with conditions subject to a revised preliminary plat prior to the Planning Commission meeting.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.14 acres into four (4) lots.

ZONING

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

TRAFFIC ENGINEER'S FINDINGS Approve.

CONDITIONS Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following.

Show 3 foot right-of-way dedication along properties frontage on Neely's Chase Drive.
 Extend sidewalks along Neely's Chase Drive all the way to the open area for the Neely's Chase PUD.

Mr. Frank Aker, Mr. Morton Saddler, Mr. Scott Dorman, and Ms. Barbara Hunter spoke in opposition to the development and expressed concerns regarding new residents not being included in their PUD and causing trouble with the neighborhood association's restrictions, houses comparable to the existing homes, safety, traffic, drug dealers, loosing the wooded area and the animals that live there, and one way in and one way out of the subdivision.

Mr. Rocky Montoya, surveyor, asked for approval.

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

Mr. Clifton stated it is always hard to see development when you are used to having free open space in the area. All the technical aspects have been met.

Councilmember Summers stated the neighbors or association's option is in the free market to purchase the property and include it into their PUD.

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

Resolution No. 2002-275

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-184G-04, is APPROVED WITH CONDITIONS (6-0).

Staff recommends approval of the preliminary subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following:

1. A three (3) foot right-of-way dedication along the properties frontage on Neely's Chase Drive.
2. Extend sidewalks along Neely's Chase Drive all the way to the open area for the Neely's Chase PUD.
3. A water quality concept.”

11. 2002S-189U-03
DAVIS SUBDIVISION
 Map 049, Parcel(s) 197
 Subarea 3 (1998)
 District 1 (Gilmore)

A request for preliminary approval for four lots abutting the northeast margin of Whites Creek Pike, approximately 1,070 feet southeast of Buena Vista Road, (1.46 acres), classified within the RS15 district, requested by Randall P. Davis, owner/developer/surveyor.

Mr. Hardison stated staff recommends approval with the exception of the sidewalk variance.

Project No. Subdivision 2002S-189U-03

Project Name Davis Subdivision

Associated Cases None.

Staff Recommendation Approved with conditions subject to variances for lot comparability, and a revised plat being submitted prior to the Planning Commission meeting.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.46 acres into four (4) lots.

ZONING

RS15 district requiring minimum lot size of 15,000 square feet.

VARIANCES TO SUBDIVISION REGULATIONS

Lot Comparability Lot frontage and lot area are inconsistent with lots (Section 2-4.7) within 300 feet of property. Lot frontage ranges from 166' - 220'. Proposed lots 1 and 2 provide 62.5' and lots 3 and 4 provide 100' each. Lot area ranges from 48,352 to 102,802 square feet and all 4 proposed lots provide more than minimum of 20,000 square feet each.

Recommendation Staff recommends approval of the lot comparability variance for all 4 lots for frontage and square footage. Since this area is dominated by large tracts of undeveloped land and some large historic lots, the minimum requirement of the RS15 zoning is not comparable to any properties within 300' of the proposed subdivision. If the applicant were to subdivide the lots to meet the requirements of lot comparability, than a variance for the lots being greater than three (3) times the base zoning would be required. This subdivision as proposed is closer to the intent of the RS15 zoning district.

Sidewalks A sidewalk is required on Whites Creek Pike. A large portion of the properties frontages are located within the 100 year flood plain. However, Public Works has indicated a sidewalk can be constructed with some reworking of street's drainage pattern.

Sidewalk Construction Report from Public Works

This property lies along the east margin of Whites Creek Pike. At this location the road has 24 feet of pavement, a 3 foot shoulder, and an open ditch. The ditch ranges from shallow to steep.

Sidewalk Construction Pursuant to Chapter 13.20 of the Metro Code, the Department of Public Works regulates all work done in the right of way. However, this stretch of Whites Creek Pike is State Route 65. Therefore, any alteration of the roadway, including curbs, sidewalks, and driveway connections will require additional coordination and approval by the Tennessee Department of Transportation. The applicant will be responsible for securing State approvals.

Recommendation Staff recommends that the Planning Commission approve the preliminary plat with the condition that before a final plat is recorded the applicant provide a report from TDOT with a determination of whether sidewalks are allowed. If TDOT finds that sidewalks are not allowed along this portion of Whites Creek Pike then a sidewalk variance is recommended with the approval of the final plat.

TRAFFIC ENGINEERS

Findings Approve.

CONDITIONS Staff recommends conditional approval of this plat subject to a variance for lot comparability, and a revised plat being submitted prior to the Planning Commission meeting, showing the following:

A sidewalk along Whites Creek Pike, if TDOT recommends the construction of the sidewalks.
Correct side lot line for lot 2 to reflect a radial lot line to Whites Creek Pike.

Mr. Randall Davis asked the Commission why he should put sidewalks in when TDOT is going to widen the road, and that he has talked to them and they said the sidewalks are not required at this time.

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

Resolution No. 2002-276

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-189U-03, is APPROVED WITH CONDITIONS, SUBJECT TO VARIANCES FOR LOT COMPARABILITY (6-0).

Staff recommends approval of the preliminary subject to approval of a variance for lot comparability for lot frontage and lot area, a variance for sidewalks along Whites Creek Pike (to be revisited with the submission of the final plat).”

OTHER BUSINESS

23. Legislative Update

24. Chairman’s Comments

Chairman Lawson reported to the Commission on items he had asked Mr. Bernhardt to do.

Create an ad hock committee chaired by the Commission, which he has asked Jim McLean to chair, with the Architectural and Engineering community, and also, to have seminars for staff from the A and E community.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:00 p.m.

Chairman

Secretary

Minute Approval: this 25th day of July 2002



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