

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: July 19, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Tonya Jones
James McLean
Ann Nielson
Councilmember Phil Ponder
Douglas Small

Absent:

Mayor Bill Purcell
Vicki Oglesby

Staff Present

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Division Manager
Ann Hammond, Planning Director
Lee Jones, Planner I
Jeff Lawrence, Operations Director
Robert Leeman, Planner II
Amy McAbee, Planner I
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
Marty Sewell, Planner I
Chris Wooton, Planning Technician I

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

Staff announced the only change to the agenda is to item 20. 2001Z-080G-06. The caption should read from AR2a and R40 to RS20.

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

APPROVAL OF MINUTES

Mr. Small moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of June 27, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Gilmore spoke regarding proposal 2001S-180U-03 and stated she supported the project. It is a good concept but neighbors had concerns regarding the number of units, which needs to be reduced, prices should be comparable to existing homes, another exit for traffic control, stormwater management, and general traffic concerns.

Councilmember Eileen Beehan spoke in favor of 2001NL-003U-05, East Academy Neighborhood Landmark Plan, and 2001Z-073U-05.

Councilmember Vic Lineweaver asked that 2001z-080G-06 be pulled off of consent agenda, presented by staff and defer two weeks.

Councilmember Amanda McClendon spoke in opposition to 2001S-139U-11, Sharpe II Subdivision, Resubdivision.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

2001Z-079U-07	Deferred indefinitely, by applicant.
143-74-U-07	Deferred indefinitely, by applicant.
2001S-187U-14	Deferred indefinitely, by applicant.
188-84-G-12	Deferred until August 16, 2001.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

The motion was modified to include item 56, Employee Contract for Marcus Hardison.

- 1. 2001NL-003U-05**
East Academy Neighborhood Landmark Plan
Map 83-6, Parcel 271
Subarea 5 (1994)
District 6 (Beehan)

A request for development plan approval within a Neighborhood Landmark Overlay district located abutting the east margin of Chapel Avenue and the west margin of Scott Avenue (1.26 acres), classified R6 district, to permit the former Chapel Avenue Church of Christ to be used as a new school, East Academy School. Proposed secondary uses for this property include a church and day care. The existing buildings are planned for renovation in two phases. Total project enrollment is 180 students in grades K-8 upon completion. This application is being requested by Douglas Tennant of Barge, Waggoner, Sumner and Cannon, appellant, for Larry and Susan Hanson, owners, and East Academy, Inc., leasee.

Staff recommends *conditional* approval.

This request is for final development plan approval for the Neighborhood Landmark located on the east side of Chapel Avenue and the west side of Scott Avenue, to permit the former Chapel Avenue Church of Christ to be used as a 17, 521 square foot, K-8 school for East Academy, including a 2,100 square foot addition. The applicant is also requesting approval to allow future ancillary uses like a church or day care. These secondary uses would utilize the building after school and on weekends. This plan also converts a portion of the existing driveway area next to the building into a playground for the school. In addition, the plan provides 37 parking spaces and additional landscaping in the existing parking area. Staff recommends conditional approval provided Public Works and Water Services approve the plan, prior to the Planning Commission meeting.

Signage

This plan proposes to use the existing sign at the Chapel Avenue entrance. The sign will be illuminated with two ground-mounted uplights. The sign will be redesigned to read as follows:

EAST ACADEMY

108 CHAPEL AVENUE

Development Schedule

The proposed development schedule is that the school will be completed in two phases. Phase 1 will consist of interior work on 10,129 square feet, including five classrooms for 90 students and 11 staff members. Phase 2 will consist of interior work on 5,292 square feet of the existing building and 2,100 square feet of new construction for a vestibule at the rear of the building. All work will be completed 120 to 180 days from the day the first permit is issued from the Codes Department for each phase. The addition will require plans be submitted to the Planning Department staff for administrative approval by the Executive Director of the Planning Department, prior to the issuance of any permits for the addition, including an architectural rendering.

Access

This plan proposes to use existing driveway access points on Chapel Avenue and Scott Street, where traffic for the school will enter on Scott Street and exit on Chapel Avenue. The southernmost entrance on Chapel Avenue will be gated at drop-off and pick-up hours for the school so as to allow for adequate stacking for cars dropping off kids. Large buses will not be used. However, small vans may be used to drop-off and pick-up students. Staff is recommending conditional approval of this plan with this gate.

Resolution No. 2001-295

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001NL-003U-05 is given **CONDITIONAL APPROVAL (9-0)** The following conditions apply:

1. Prior to the issuance of any building 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.

2. Prior to the issuance of any building permits for the Phase 2 addition, plans shall be submitted to the Planning Department staff, including foundation, building, and a architectural rendering, for review and administrative approval by the Executive Director of the Planning Department.
3. Access to the southernmost existing driveway on Chapel Avenue shall remain open provided it is gated between 6:30am and 8:30am and 2:30pm and 4:30pm. During these times, Scott Avenue shall be the main entrance for pick-up and drop off of students.
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. **Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.**
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

3. 2001Z-048U-12

Map 171, Parcel 31
 Subarea 12 (1997)
 District 32 (Jenkins)

A request to change from OL district to OG district property at Church Street East (unnumbered), north of the Williamson County line (1.10 acres), requested by Kirk Waite of Mooreland Title Company, LLC, appellant, for Shaw and Jones Masonry Company, owner.

4. 2001P-006U-12

Brentwood Station Storage
 Map 171, Parcels 29, 30 and 31
 Subarea 12 (1997)
 District 32 (Jenkins)

A request for preliminary approval for a Planned Unit Development District located abutting the north margin of Church Street East at the Williamson County line (2.31 acres), classified within the CS and OL Districts and proposed for CS and OG Districts, to permit a 98,000 square foot, 44 foot tall, mini-storage facility, requested by Gresham, Smith and Partners, appellant, for Jones Masonry Company, owner.

Staff recommends approval of the zone change and conditional approval of the PUD plan.

No Subarea Plan Amendment is required.

A traffic impact study was required to analyze project impacts on nearby intersections and neighborhoods, and one has been submitted.

This zoning request is twofold:

- to rezone 1.10 acres from OL (office-limited) to OG (office-general) district property at Church Street East (unnumbered), north of the Williamson County line;
- to apply a PUD to permit a 4-story mini-storage facility (44 feet tall) containing 98,000 square feet .

The existing OL district is intended for moderately intense office developments, including banks, medical office, sales/leasing offices, and automobile parking. The proposed OG district is intended for moderately-

high intensity office development served by an arterial street with mass transportation service, including general office, banks, sales/leasing offices, and automobile parking.

The applicant is proposing to rezone parcel 31 so the floor area permitted by the OG zoning can be transferred to parcels 29 and 30. The CS district permits mini-storage, whereas, the OL and OG districts do not permit it. The density transfer, using a unified plat of subdivision, enables the applicant to construct a larger mini-storage facility. A unified plat of subdivision is permitted in a PUD per Section 17.40.170.C of the Zoning Ordinance.

History

The OL zoning was approved on this property in January 1998 with the county wide zoning map update. Prior to 1998, this property was zoned OG (office-general), however, OG only permitted a 0.50 floor-area-ratio (FAR) at that time. Today, it allows a 1.5 FAR.

Zoning Analysis

Parcel 31 is bisected at its midpoint by two different policies within the Subarea 12 Plan: the Office Concentration (OC) policy and the Residential Medium High (RMH) policy (see sketch). The OC policy is intended for moderately intense office development. While that policy has been applied to this stretch of Church Street East, the depth of the parcels along the street and the existing CS zoning make implementation of the OC policy unlikely. Therefore, the proposed mini-storage warehouse is consistent with the existing CS zoning pattern. The OG district is consistent with the intent of higher intensity office uses. Although the northern portion of parcel 31 has RMH policy, calling for 9 to 20 dwelling units per acre, it is not developable given its width. The proposed PUD plan designates the northern portion as permanent open space.

PUD Analysis

The PUD is proposed with one access point from Church Street East, including a required left-turn lane into the site from Church Street East. The PUD plan uses the unified plat of subdivision to allow more floor area than would otherwise be permitted to construct a commercial use. By using the unified plat of subdivision, the applicant will redistribute the floor area permitted within the PUD. The floor area permitted by the proposed OG zoning will be transferred to parcels 29 and 30, both of which are zoned CS district.

Staff recommends approval of the OG zoning since the proposed structure falls within the Subarea 12 Plan's Office-Concentration (OC) policy, the existing zoning pattern is committed to the CS district, and this portion of Church Street East is currently a stable commercial area. Staff recommends conditional approval of the PUD provided Public Works and the Traffic Engineer approve the plans prior to the Planning Commission meeting.

Resolution No. 2001-296

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-048U-12 is **APPROVED (9-0)**:

The existing Subarea 12 policy supports OG zoning since the proposed structure falls within the Subarea 12 Plan's Office-Concentration (OC) policy. Parcel 31 is bisected at its midpoint by two different policies within the Subarea 12 Plan: the Office Concentration (OC) policy and the Residential Medium High (RMH) policy. The OC policy is intended for moderately intense office development. While that policy has been applied to this stretch of Church Street East, the depth of the parcels along the street and the existing CS zoning make implementation of the OC policy unlikely. Therefore, the proposed mini-storage warehouse, within the proposed PUD, is consistent with the existing CS zoning pattern. The OG district is consistent with the intent of higher intensity office uses. Although the northern portion of parcel 31 has RMH policy, calling for 9 to 20 dwelling units per acre, it is not developable given its width. The proposed PUD plan designates the northern portion as permanent open space."

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-006U-12 is given **CONDITIONAL APPROVAL (9-0)** The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to any revised preliminary or final PUD submittal for any phase of this PUD, a boundary plat shall be submitted to the Planning Commission for review and approval.
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.

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

5. 2001Z-062G-03
Map 40, Parcels 60 and 61
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from CL district to CS district property at 4108 Blevins Road and Blevins Road (unnumbered), (10.25 acres), located abutting the south margin of Blevins Road, west of I-24 and south of Old Hickory Boulevard, requested by Nathan T. Wall, appellant/owner.

6. 57-86-P-03
Whites Creek Commercial Center
Map 40, Parcels 60 and 61
Subarea 3 (1998)
District 1 (Gilmore)

A request to cancel the undeveloped Commercial (General) Planned Unit Development District located abutting the southwest corner of Old Hickory Boulevard and I-24 (10.25 acres), classified within the CL district and proposed for CS district, approved for a 64,800 square foot hotel, a 7,200 square foot restaurant, and a 2,400 square foot convenience sales, requested by Nathan Wall, appellant/owner. Staff recommends *approval* of the zone *change and conditional approval* of the PUD.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 10.25 acres from CL (commercial-limited) to CS (commercial services) district property at 4108 Blevins Road. There is also a request to cancel an undeveloped Commercial PUD on this property. The PUD was approved in 1986 for a 64,800 square foot hotel, a 7,200 square foot restaurant, and a 2,400 square foot convenience market. The existing CL district is intended for retail, consumer service, banks, restaurants, and office uses. The CS district is intended for a wide range of commercial service related uses including retail, restaurant, banks, offices, self-storage, light manufacturing, and auto sales. The applicant wants to do an auto sale lot (wholesale market), a use permitted in the CS district, but not the CL district.

Staff recommends approval since the Subarea 3 Plan's Commercial Mixed Concentration (CMC) policy supports CS zoning. CMC is a policy category that accommodates major concentrations of mixed commercial development providing both consumer goods and services, and employment. This property's location at the I-24/Old Hickory Boulevard interchange is consistent with the need for good accessibility for CMC policy areas.

Traffic

The Metro Traffic Engineer has indicated that a traffic impact study may be required at the building permit stage once the use and its size are known.

Resolution No. 2001-297

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No.2001Z-062G-03 is **APPROVED (9-0)**:

The existing Subarea 3 Plan's Commercial Mixed Concentration (CMC) policy supports CS zoning. CMC is a policy category that accommodates major concentrations of mixed commercial development providing both consumer goods and services, and employment. This property's location at the I-24/Old Hickory Boulevard interchange is consistent with the need for good accessibility for CMC policy areas."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 57-86-P-03 is given **CONDITIONAL APPROVAL (9-0)** The following condition applies:

1. The PUD cancellation shall be approved by the Metropolitan Council."

8. 2001Z-064U-13

Map 121, Parcel 148

Subarea 13 (1996)

District 13 (Derryberry)

A request to change from R20 district to IWD district property at 2565 Couchville Pike, east of Reynolds Road (1.02 acres), requested by John W. Nelly Jr., appellant, for Raymond J. Swoner et ux, owners. Staff recommends *approval*.

No Subarea Plan Amendment is required.

No Traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 1 acre at 2565 Couchville Pike, east of Reynolds Road, from R20 (residential) to IWD (industrial warehousing distribution) district. The existing R20 district is intended for residential, single-family and duplex at 1.85 dwelling units per acre. The proposed IWD district is intended for light and medium manufacturing, warehousing, and distribution.

Staff recommends approval of the IWD zoning. It is consistent with the Subarea 13 Plan's industrial (IND) policy and the emerging zoning pattern. Parcels 139, 146, 147, and part of 346 (99Z-154U) and parcel 140 (2001Z-055U-13) were also approved for IWD zoning by the Planning Commission.

Traffic

Couchville Pike and Reynolds Road are both substandard collector roads. This property at 2565 Couchville Pike will be consolidated into a larger tract proposed as the new Airpark East industrial park. The preliminary plat for the industrial park was conditionally approved by the Planning Commission on June 27, 2001 (2001S-154U-13). The conditions placed on the plat address improving Couchville Pike and Reynolds Road to collector street standards.

Resolution No. 2001-298

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-064U-13 is **APPROVED (9-0)**:

The existing Subarea 13 Plan's industrial (IND) policy supports IWD zoning, intended for light and medium manufacturing, warehousing, and distribution. It is also consistent with the emerging zoning pattern."

9. 2001Z-065U-13

Map 149, Parcel 325
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a to SCC district property at Edge-O-Lake Drive (unnumbered) and Martway Drive located southwest of Murfreesboro Road (5.09 acres), requested by Brett Smith of Ragan-Smith and Associates, appellant, for K-Mart Corporation, owner.

10. 14-85-P-13

K-Mart Shopping Center (Gold's Gym)
Map 149, Parcel 325
Subarea 13 (1996)
District 28 (Alexander)

A request to amend an undeveloped portion of the Commercial (General) Planned Unit Development District located abutting the southwest margin of Murfreesboro Pike, opposite Edge-O-Lake Drive (5.09 acres), classified within the AR2a district and proposed for SCC district, to permit the development of 21,000 square feet of retail and a 27,840 Gold's Gym, replacing an undeveloped 44,000 square foot retail building, requested by Ragan-Smith and Associates, appellant, for K-Mart Corporation, owner.

Staff recommends approval of the zone change and conditional approval of the PUD.

No Subarea Plan Amendment is required.

A traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods, and one has been submitted.

This zoning request is twofold:

to change 5.09 acres from AR2a (agricultural) to SCC (shopping center community) district property at Edge-O-Lake Drive (unnumbered); and,
to amend the Commercial PUD to permit a 21,000 square foot retail building and a 27,840 square foot Gold's Gym for a total of 48,840 square feet in lieu of a 44,000 square foot retail building. This PUD also includes a K-Mart across Edge-O-Lake Drive.

The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The SCC district is intended for moderately intense retail, office, and consumer service uses, including personal care service for a Gold's Gym. The applicant is proposing to rezone the property since the original PUD was not approved for a commercial gym on the property. The Zoning Ordinance requires that the PUD plan specifically permit the proposed use or the base zoning permit it. Since neither allow for a commercial gym, the applicant is proposing the SCC zoning and PUD amendment.

Staff recommends approval of the zone change and conditional approval of the PUD amendment. The SCC zoning is consistent with the Subarea 13 Plan's Retail Concentration Community (RCC) policy. That policy

calls for large shopping centers that serve a wide market area. The zone change also makes the zoning consistent with the approved uses in this PUD.

Traffic

This commercial PUD has access from Edge-O-Lake Drive, an improved collector road with a center turning lane. The Edge-O-Lake Drive/Murfreesboro Pike intersection is signalized and has designated lanes for left-turns, right-turns, and thru traffic. The applicant completed an intersection signal analysis to determine whether the existing signal should be modified to include a left-turn arrow. That analysis indicated the arrow was not needed at this time. The Metro Traffic Engineer has requested the project be conditioned to provide an updated signal analysis after the gym opens, and to require a modified signal when traffic counts warrant.

Resolution No. 2001-299

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-065U-13 is **APPROVED (9-0)**:

This proposal is consistent with the existing Subarea 13 Plan's Retail Concentration Community (RCC) policy. That policy calls for large shopping centers that serve a wide market area. The zone change also makes the zoning consistent with the approved uses in this PUD."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 14-85-P-13, is given **CONDITIONAL APPROVAL (9-0)** The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The PUD amendment and zone change (2001Z-065U-13) shall be approved by the Metro Council.

A traffic count survey shall be completed by the property owner or developer six (6) months after the issuance of the Use and Occupancy permit. Should this survey indicate the need for a modified traffic signal (left-turn signal) at the Edge-O-Lake/Murfreesboro Pike intersection, the developer/property owner shall be responsible for this upgrade."

17. 2001Z-076U-12
Map 161, Parcels 31.01 and 118
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from R10 and R15 districts to CL district properties at 5511 and 5519 Edmondson Pike, north of Old Hickory Boulevard (5.56 acres), requested by Littlejohn Engineering, appellant, for William and Scarlett Campbell, owners.

Staff recommends conditional approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 5.56 acres from R15 and R10 (residential) to CL (commercial) district at 5511 and 5519 Edmondson Pike. The existing R15 and R10 districts area intended for residential, single-family and

duplex at 2.47 and 3.7 dwelling units per acre, respectively. The proposed CL zoning is intended for retail, consumer service, banks, restaurants, and office uses.

This property falls within the Subarea 12 Plan's Residential Medium (RM) policy. That policy calls for residential uses between 4 to 9 dwelling units per acre. Although this property technically falls within RM policy, the rezoning of parcel 31 to the north by Metro Council established a precedent (99Z-125U12; Council Bill BL99-46). The Commission recommended disapproval of the OL zoning since it extended non-residential zoning further north along Edmondson Pike, away from the Old Hickory Boulevard/Edmondson Pike intersection. The Metro Council's action thus created the situation where parcels 31.01 and 118 are sandwiched between commercial zoning to the south and north.

In September 2000, a request to rezone this same property was considered by the Planning Commission (2000Z-114U-12). The applicant requested CS zoning. Recognizing the Metro Council action on parcel 31, the Commission recommended disapproval of the CS zoning, but suggested CL or SCC zoning. A council bill was never introduced for this rezoning request.

Staff recommends conditional approval of this request for CL zoning subject to a continuous center turn lane (see *Traffic* below). This new application is consistent with the Commission's previous recommendation, and the Metro Council action to extend commercial zoning slightly north of Nippers Corner.

Traffic

The Metro Traffic Engineer has indicated a continuous center turning lane is needed between Old Hickory Boulevard and the new Crieve Hall Library. Metro Public Works is to begin construction on a portion of this turn lane in front of the new library and medical office building shortly. The Metro Traffic Engineer recommends this rezoning be conditioned upon any future developer of these properties extending that center turn lane from parcel 31 south. The exact length of the turn lane will be determined in the future.

Resolution No. 2001-300

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-076U-12 is **APPROVED (9-0)**:

This proposal is consistent with the Commission's previous recommendation, and the Metro Council action to extend commercial zoning slightly north of Nippers Corner. This property falls within the Subarea 12 Plan's Residential Medium (RM) policy. That policy calls for residential uses between 4 to 9 dwelling units per acre. Although this property technically falls within RM policy, the rezoning of parcel 31 to the north established a precedent. Previous rezonings to the north created the situation where parcels 31.01 and 118 are sandwiched between commercial zoning to the south and north. This approval of CL is conditioned upon a continuous center turn lane being constructed in front of this property."

21. 2001Z-081U-12

Map 161, Parcel 135 and Part of Parcels 43 (.10 acres)
and 44 (1.37 acres)
Subarea 12 (1997)
District 32 (Jenkins)

A request to change from RM9 district to SCC district a portion of properties at 483 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), west of Edmondson Pike (3.1 acres), requested by Franklin Land Associates, LLC, appellant, for Alan and Candace Revelette, owners.

Staff recommends approval.

No Subarea Plan Amendment is required.

No Traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 3.1 acres at 483 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), adjacent to the Kroger shopping center at Edmondson Pike, from RM9 (residential multi-family) to SCC (shopping center community). The existing RM9 district is intended for residential multi-family uses at up to 9 dwelling units per acre. The proposed SCC district is intended for commercial, retail, restaurant, and offices within a shopping center complex.

Staff recommends approval of the SCC zoning, as it is consistent with the Subarea 12 Plan's Retail Community Concentration (RCC) policy. That policy calls for large shopping centers serving a wide market area. The Planning Commission previously determined in May 1998 that the boundary of the RCC policy was the TVA lines that border this property. That determination occurred with a request to rezone this property from R40 and RM9 to OL district in (98Z-075U). The property owner then requested in December 1998 to have it rezoned back to RM9 district (98Z-197U).

Traffic

The Metro Traffic Engineer has field-checked this property and determined shrubs along Old Hickory Boulevard will need to be removed for adequate sight distance. Due to the speed of traffic along Old Hickory Boulevard and its curvature in this area, a sight distance of 420 feet is required. The applicant has indicated that since they control the remainder of parcel 43 to the west, the site distance of 420 feet can be accomplished.

Resolution No. 2001-301

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-081U-12 is **APPROVED (9-0)**:

This proposal for SCC zoning is consistent with the Subarea 12 Plan's Retail Community Concentration (RCC) policy. That policy calls for large shopping centers serving a wide market area. The Planning Commission previously determined in May 1998 that the boundary of the RCC policy was the TVA lines that border this property. That determination occurred with a request to rezone this property from R40 and RM9 to OL district (98Z-075U)."

22. 2001Z-084U-07

Maps 92 and 104, Various Parcels
Subarea 7 (1999)
District 24 (Summers)

A request to rezone 320 parcels from R6 district to RS7.5 district various parcels located in the Sylvan Park neighborhood and to rezone from R6 district to RS5 district various parcels located in the Sylvan Heights neighborhood, requested by Councilmember John Summers, appellant, for various owners.

Staff recommends approval.

No Subarea Plan Amendment is required.

No Traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request, initiated by Councilman Summers, is to change approximately 51 acres, containing 320 parcels, from R6 (single-family and duplex residential) to RS7.5 district (single-family residential) and approximately 25 acres from R6 to RS5 (single-family residential). The existing R6 district is intended for 6.2 dwelling units

per acre. RS7.5 district permits 4.9 dwelling units per acre. RS5 permits 7.4 dwelling units per acre. RS7.5 and RS5 prohibit duplexes, while R6 permits duplexes.

This rezoning application arose from neighborhood residents' concern that the existing zoning allows construction of new duplex units on lots previously single-family or vacant. When Metro Council adopted the Zoning Ordinance that became effective January 1, 1998, much of the Sylvan Park neighborhood was rezoned to the newly established RS7.5 district and much of Sylvan Heights was rezoned to the newly established RS5 district. The R6 zoning was retained for the area involved in this zone change, which allowed construction of new duplexes and allowed the existing duplexes to remain as conforming uses.

For the area in Sylvan Heights (going from R6 to RS5), the proposed zoning matches the zoning surrounding the area to the west and north. The CSX Railroad is a natural boundary between the proposed RS7.5 and RS5 districts. Most of the lots exceed the requirement for RS7.5.

The Subarea 7 Plan designates this area with the Residential Medium density policy (RM) calling for 4 to 9 dwelling units per acre. While RM can include a variety of housing types, the intent expressed in the plan is to preserve the character of the area. The plan calls for future zoning decisions to maintain the existing densities and predominant housing types. Duplexes currently make up 15 percent of the residential dwellings within the boundaries of the Sylvan Park and Sylvan Heights neighborhoods. Some areas, especially the section of Sylvan Heights, include larger percentages of duplexes (50 percent). The proposal caps the number of duplexes at the existing number and prohibits new duplexes.

Staff agrees that the duplex percentage should remain at between 15 to 20 percent, as detailed in the Subarea 7 plan for this area and supports the proposed zone change. The zone change would implement the Subarea 7 plan's intent of preserving neighborhood character. A diverse mix of housing accommodates a variety of lifestyles, housing and transportation alternatives. This zone change maintains that diversity, but sets a ceiling on the current number of duplexes.

Resolution No. 2001-302

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No.2001Z-084U-07 is **APPROVED (9-0)**:

This proposal is consistent with the Subarea 7 Plan's Residential Medium density policy (RM) calling for 4 to 9 dwelling units per acre. Duplexes currently make up 15 percent of the residential dwellings within the boundaries of the Sylvan Park and Sylvan Heights neighborhoods. Some areas, especially the section of Sylvan Heights, include larger percentages of duplexes (50 percent). The proposal caps the number of duplexes at the existing number and prohibits new duplexes. The zone change would implement the Subarea 7 plan's intent of preserving neighborhood character. A diverse mix of housing accommodates a variety of lifestyles, housing and transportation alternatives. This zone change maintains that diversity, but sets a ceiling on the current number of duplexes."

23. 2001Z-085U-07

Maps 91 and 103, Various Parcels
Subarea 7 (1999)
District 24 (Summers)

A request to rezone from R6 district to RS7.5 district 31 parcels located along the west side of 54th Avenue North in the Sylvan Park neighborhood, requested by Councilmember John Summers, appellant, for various owners.

Staff recommends approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request, initiated by Councilman Summers, is to change 31 parcels on approximately 32 acres from R6 (single-family and duplex residential) to RS7.5 district (single-family residential) on the west side of 54th Avenue North. The existing R6 district is intended for 6.2 dwelling units per acre, while the RS.7.5 district permits 4.9 dwelling units per acre. RS7.5 prohibits duplexes, while R6 permits duplexes. The property east of 54th Avenue North is zoned RS7.5.

This rezoning application arose from neighborhood residents' concern that the existing zoning allows construction of new duplex units on lots previously single-family or vacant. When Metro Council adopted the Zoning Ordinance that became effective January 1, 1998, much of the Sylvan Park neighborhood was rezoned to the newly established RS7.5 district. The R6 zoning was retained for the area involved in this zone change, which allowed construction of new duplexes and allowed the existing duplexes to remain as conforming uses.

The Subarea 7 plan designates this area with the Residential Medium density policy (RM) calling for 4 to 9 dwelling units per acre. While RM can include a variety of housing types, the intent expressed in the plan is to preserve the character of the area. The plan calls for future zoning decisions to maintain the existing densities and predominant housing types Duplexes currently make up 15 percent of the residential dwellings within the boundaries of the Sylvan Park and Sylvan Heights neighborhoods. The proposal caps the number of duplexes at the existing number and prohibits new duplexes.

Staff agrees that the duplex percentage should remain between 15 to 20 percent, as detailed in the Subarea 7 Plan for this area and supports the proposed zone change. The zone change would implement the Subarea 7 plan's intent of preserving neighborhood character. A diverse mix of housing accommodates a variety of lifestyles, housing and transportation alternatives. This zone change maintains that diversity, but sets a ceiling on the current number of duplexes.

Resolution No. 2001-303

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No.2001Z-085U-07 is **APPROVED (9-0)**:

This proposal is consistent with the Subarea 7 plan's Residential Medium density policy (RM) calling for 4 to 9 dwelling units per acre. The zone change would implement the Subarea 7 plan's intent of preserving neighborhood character. A diverse mix of housing accommodates a variety of lifestyles, housing and transportation alternatives. This zone change maintains that diversity, but sets a ceiling on the current number of duplexes."

PRELIMINARY PLAT SUBDIVISIONS

- 24. 2001S-139U-11**
Sharpe II Subdivision, Resubdivision
Map 106-14, Parcel 146
Subarea 11 (1999)
District 16 (McClendon)

A request for preliminary plat and final plat approval to subdivide one lot into two lots abutting the northeast corner of Imperial Drive and Lyle Lane (.78 acres), classified within the R10 district, requested by Marian K. Curtis and Majid Mohieddin, owners/developers, James L. Terry, surveyor. (Deferred indefinitely from meeting of 05/10/01).

Staff recommends conditional approval subject to a revised plat prior to plat recordation and a bond for demolition of the garage.

This request was deferred from the May 10, 2001 Planning Commission meeting so the applicant could redesign the lots. This request is for preliminary and final plat approval to subdivide one lot into two lots at the northeast corner of Imperial Drive and South Lyle Lane. The applicant is now proposing to leave an existing house on lot 1 and demolish the existing garage on lot 2. Previously, the applicant had proposed keeping the garage on lot 2, which violated the Zoning Ordinance, since an accessory use (garage) cannot be the principal use of a residential lot. This plat proposes a density of 2.5 dwelling units per acre, which is less than the 3.7 dwelling units per acre permitted by the R10 district.

Staff recommends conditional approval subject to a bond for demolition of the garage on lot 2. In addition, a revised plat is needed showing the existing home with a side setback of 5 feet from the common property line lot 1 shares with lot 2, as required by the Zoning Ordinance. This revised plat is needed prior to plat recordation.

Resolution No. 2001-304

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-139U-11, is APPROVED WITH CONDITIONS AND SUBJECT TO A DEMOLITION BOND FOR GARAGE (9-0).”

FINAL PLAT SUBDIVISIONS

- 27. 2001S-109U-03**
West Hamilton Place (formerly
Shields-Taylor Subdivision)
Map 70, Parcels 1 and 2
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to create 18 lots abutting the northwest margin of West Hamilton Road, approximately 300 feet southwest of Pheasant Drive (6.98 acres), classified within the RS10 district, requested by Affordable Housing Resources, Inc., owner/developer, Wamble and Associates, surveyor.

Staff recommends approval subject to bonds for the extension of roads, sidewalks, and utilities.

This request is for final plat approval to create 18 cluster lots abutting the northwest margin of West Hamilton Road, approximately 300 feet southwest of Pheasant Drive. The Planning Commission approved the preliminary plat on April 12, 2001. The proposed plat conforms substantially to the approved preliminary plat. Metro Water and Sewer Services will provide water and sewer service. Staff recommends conditional approval subject to bonds for the extension of roads, sidewalks, and utilities.

Resolution No. 2001-305

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-109U-03, is APPROVED SUBJECT TO A BOND FOR ROADS, SIDEWALKS, AND UTILITIES (9-0).”

- 28. 2001S-140G-04**
Dillard Property (formerly Margaret
Heights Subdivision)
Map 63, Parcels 101, 188 and 192
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval for four lots abutting the south margin of Hudson Road, approximately 1,124 feet east of Neelys Bend Road (33.5 acres), classified within the RS40 district, requested by James W. Dillard, owner/developer, Dale and Associates, Inc., surveyor.

Staff recommends approval.

This request is for final plat approval to create four lots along the south margin of Hudson Road, east of Pennington Bend Road. All four lots comply with the preliminary plat approved by the Planning Commission on May 10, 2001. Lot #4 was granted a variance for maximum lot size. Staff recommends approval as this plat complies with the preliminary plat (2001S-140G-04) approved by the Planning Commission on May 10, 2001.

Resolution No. 2001-306

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-140G-04, is **APPROVED (9-0).**”

29. 2001S-186G-02
Chesapeake Subdivision, Phase 1, Section 6
Map 50, Parcel 109
Subarea 2 (1995)
District 4 (Majors)

A request for final plat approval to create 33 lots abutting the south termini of Woodstock Drive and Moorewood Drive, approximately 270 feet east of Gwen Drive (7.56 acres), classified with the R8 District, requested by A.H.R., owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of 06/27/01).

Staff recommends approval subject to bonds for the extension of roads, sidewalks, and utilities.

This request was deferred by the applicant from the June 27, 2001 meeting in order for Public Works to establish a bond amount for roads and sidewalks. The request is for final plat approval to create 33 lots on 7.56 acres abutting the south termini of Woodstock Drive and Moorewood Drive, approximately 270 feet east of Gwen Drive within the R8 District. The Planning Commission approved the preliminary plat on April 26, 2001. The plat includes a stub-out street to the west. The Planning Commission directed staff to consider other alternatives for this stub-out upon approving the preliminary plat. After further examination, staff believes extending the street to the property line provides the best development alternative.

Staff recommends approval subject to approval of the construction drawings by Public Works, prior to the Planning Commission meeting. Bonds are also required for the extension of roads, sidewalks, and utilities.

Resolution No. 2001-307

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-186G-02, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR ROADS, SIDEWALKS, AND UTILITIES (9-0).**”

31. 2001S-190U-12
Brentwood Hall (Condominium Plat)
Map 160, Parcels 67 and 110
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to record a condominium plat with 14 units abutting the southeast corner of Old Hickory Boulevard and Oakes Drive (3.47 acres), classified within the RM6 district, requested by Haury and Smith Contractors, Inc., owner/developer, Gresham, Smith and Partners, surveyor.

Staff recommends conditional approval subject to a bond for extension of public sewer and fire hydrant installation.

This request is for a horizontal property regime to create a condominium development containing 14 units. The property is located at the corner of Old Hickory Boulevard and Oakes Drive, across the street from American General. The Planning Commission and Metro Council approved a PUD and zone change in November 2000 (2000Z-092U-14 & 2000P-006U-12; BL2000-474 and BL2000-475). On January 4, 2001, the Planning Commission approved a final PUD plan and final plat for this same development. Staff recommends conditional approval of this plat subject to a bond for extension of public sewer and a fire hydrant installation.

Resolution No. 2001-308

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-190U-12, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR FIRE HYDRANT INSTALLATION (9-0).**”

32. 2001S-195U-08

G. W. Harding Subdivision,
Resubdivision of Lots 1 and 25
Map 92-3, Parcels 380.01, 380.02, 381, and 383
Map 92-4, Parcel 382
Subarea 8 (1995)
District 19 (Wallace)

A request for final plat approval to reconfigure two lots abutting the north margin of Jackson Street and the west margin of 16th Avenue North (5.73 acres), classified within the RM20 district, requested by Fisk University, owner/developer, Thornton and Associates, Inc., surveyor.

Ms. Regen stated Staff recommends conditional approval subject to approval from the Department of Water and Sewerage Services.

This final plat approval is to reconfigure two lots abutting the north margin of Jackson Street and the west margin of 16th Avenue North within the RM20 district. Fisk University is requesting this final plat for financing purposes. Their lender is requiring that various Fisk buildings be platted on separate lots. Staff recommends conditional approval since the plat meets all Subdivision Regulations requirements.

Resolution No. 2001-309

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-195U-08, is **APPROVED WITH CONDITIONS (9-0).**”

33. 2001S-196U-08

McNairy Land of Thomas Harding,
Resubdivision of Part of Lot 1
Map 92-3, Parcels 366 and 401
Subarea 8 (1995)
District 19 (Wallace)

A request for final plat approval to subdivide part of one lot into three lots abutting the south margin of Jefferson Street, between 17th Avenue North and Dr. D. B. Todd, Jr. Boulevard (8.21 acres), classified within the RM20 district, requested by Fisk University, owner/developer, Thornton and Associates, Inc., surveyor.

Staff recommends conditional approval subject to final plat revision prior to plat recordation.

This final plat approval is to subdivide part of one lot into three lots abutting the south margin of Jefferson Street, between 17th Avenue North and Dr. D. B. Todd Jr. Boulevard within the RM20 district. Fisk University is requesting this final plat for financing purposes. The university's lender is requiring that various Fisk buildings be platted on separate lots for financing purposes. Staff recommends conditional approval subject to appropriate radius returns and right-of-way dedications along Jefferson Street and Dr. D. B. Todd Boulevard are provided, as requested by Public Works, prior to recordation of the final plat.

Resolution No. 2001-310

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-196U-08, is **APPROVED WITH CONDITIONS (9-0)."**

34. 2001S-199G-14

Brookside Woods, Phase 2, Section 5
Map 75, Part of Parcel 65
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 18 lots abutting the west terminus of Brookside Woods Drive, approximately 150 feet west of Leslie Ann Court (8.26 acres), classified within the RS15 Residential Planned Unit Development District, requested by Larry Powell Builders, Inc., owner/developer, MEC, Inc., surveyor.

Staff recommends conditional approval subject to bonds for extension of roads, sidewalks, and public utilities and a revised plat prior to plat recordation.

This final plat is to create 18 lots abutting the west terminus of Brookside Woods Boulevard, approximately 150 feet west of Leslie Ann Court within the RS15 district. The lots are also located within a PUD. The proposed configuration of the lots is consistent with the final PUD plan approved by the Planning Commission in 1996 (95P-030G). A greenway belt easement is shown along Stoner Creek varying in width from 80 feet to 130 feet. Access points from the development to the greenway area are provided. The developer, however, will not be required to construct any portion of the greenway trail.

Staff recommends conditional approval subject to a revised plat prior to plat recordation. This plat needs to show a greenway trail measuring 10 feet within the area referenced on the plat as a "proposed green belt". The green belt needs to be relabeled as an "open space conservation easement". In addition, the applicant needs to identify graphically with text the trail as a "Public Access Trail: Future Greenway". Lastly, a note needs to be added to the plan stating that a public access trail is planned to be constructed at some time in the future along Stoner's Creek by Metro Government.

Resolution No. 2001-311

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-199G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR ROADS, SIDEWALKS, AND UTILITIES (9-0)."**

35. 2001S-200G-14

Stoner's Bend Business Park, Resubdivision of Lot 2
Map 86, Parcel 15
Subarea 14 (1996)

District 12 (Ponder)

A request for final plat approval to subdivide one lot into three lots abutting the northwest margin of Stoner's Bend Drive, approximately 191 feet northeast of Central Pike (1.4 acres), classified within the IWD district, requested by Cornwell and Roswell, owner/developer, J. Franklin and Associates, surveyor.

Staff recommends conditional approval subject to a revised plat prior to plat recordation.

This request is for final plat approval to subdivide one lot into three lots abutting the northwest margin of Stoners Bend Drive, approximately 191 feet northeast of Central Pike. The final plat matches the preliminary plat approved by the Planning Commission on July 8, 1999 (99S-238G). Staff recommends conditional approval subject to a revised plat showing a sidewalk along Sonters Bend Drive prior to plat recordation.

Resolution No. 2001-312

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-200G-14, is **APPROVED WITH CONDITIONS (9-0).**"

36. 2001S-203U-14

Perry Heights, Revision of Lot 15
and Reserve Parcel A
Map 96-9, Parcel 99
Subarea 14 (1996)
District 15 (Loring)

A request for final plat approval to consolidate one lot and a reserve parcel into one lot abutting the north margin of McKeige Drive, approximately 930 feet west of Donelson Pike (.46 acres), classified within the R10 district, requested by Lucile Wright, owner/developer, John Kohl and Company, surveyor.

Staff recommends conditional approval subject to a revised plat prior to plat recordation.

This final plat is to combine a platted lot and a reserve parcel into one lot abutting the north margin of McKeige Drive, approximately 930 feet west of Donelson Pike within the R10 district. Reserve parcels were created in the past with the anticipation that the subdivision would continue in the future, and hence, the reserve parcel would become larger when land area was added. The reserve parcel contains a garage to the home on parcel 99. The new lot will total 20,030 square feet and requires no variances to the Subdivision Regulations. Staff recommends approval of this final plat subject to a 15 foot public utility and drainage easement being shown along the property frontage on McKeige Drive, prior to plat recordation.

Resolution No. 2001-313

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-203U-14, is **APPROVED WITH CONDITIONS (9-0).**"

37. 2001S-204U-10

Earthgrains Baking Companies, Inc.
Map 105-14, Parcels 204 and 205
Map 118-2, Parcels 57, 59 and 59.1
Subarea 10 (1994)
District 17 (Greer)

A request for final plat approval to consolidate seven lots and two parcels into one lot located between Franklin Pike and Elliott Avenue and between Hillview Heights Avenue and Inverness Avenue (6.51 acres),

classified within the CS district located within Davidson County and the City of Berry Hill, requested by Earthgrains Baking Companies, Inc., owner/developer, F. V. Clinkscales, Jr., surveyor.

Staff recommends conditional approval subject to a revised plat prior to plat recordation and a bond for sidewalks.

This request is for final plat approval to consolidate seven lots and two parcels into one lot within the CS district for Earthgrains Baking Companies, Inc. (formerly Colonial Baking Company) on Franklin Pike between Hillview Heights and Inverness Avenues. This property lies within the City of Berry Hill as well as Davidson County. Therefore, the applicant will be required to get Berry Hill's approval of this plat prior to recordation. Staff recommends conditional approval of this plat subject to a revised plat prior to recordation. The revised plat needs to show a 9 foot right-of-way reservation along the property's entire frontage along Franklin Pike and sidewalks along the property's frontage on Franklin Pike, Hillview Heights, Elliott Avenue, and Inverness Avenue. In addition, construction plans must be approved for sidewalk construction by Public Works, prior to plat recordation.

Resolution No. 2001-314

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-204U-10, is **APPROVED WITH CONDITIONS (9-0)."**

38. 2001S-210G-14

Villages of Larchwood, Phase 2, Section 4A
Map 108, Part of Parcel 52
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to create three lots abutting the southeast terminus of Fitzpatrick Road and dedicate right-of-way to the eastern edge of parcel 52, approximately 100 feet southeast of Elmwood Court (1.27 acres), classified within the R10 Residential Planned Unit Development District, requested by Hillmore Properties, owner/developer, Walter Davidson and Associates, surveyor.

Staff recommends conditional approval subject to a revised plat prior to recordation and a bond for the extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create three lots abutting the southeast terminus of Fitzpatrick Road, dedicating a right-of-way easement to the eastern edge of parcel 52. This plat conforms with the final PUD plan approved by the Planning Commission on May 24, 2001 (107-81-G-14). The PUD plan and final plat reflect the Metro Council action in March 2001 to not connect Fitzpatrick Road and White Pine Drive. These two streets will terminate with cul-de-sacs nearly abutting one another. The final PUD was approved subject to the dedication of right-of-way to the eastern edge of parcel 52, thereby allowing Metro Government or the developer, to construct the road connecting Fitzpatrick Drive with White Pines Drive if it were ever determined to be necessary in the future. The applicant is showing the additional right-of-way necessary for the two cul-de-sacs to connect as a "right-of-way easement". The Planning Commission approved a right-of-way dedication not an easement. This was the agreement reached between planning staff and the applicant. Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities. In addition, a revised plat showing Fitzpatrick Road's right-of-way as a continuous extension from the cul-de-sac to the edge of parcel 52 is needed prior to plat recordation.

Resolution No. 2001-315

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-210G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND UTILITIES (9-0)."**

39. 2001S-212G-12
Mill Run, Phase 2
Map 173, Part of Parcel 83
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 54 lots abutting the western terminus of Bending Creek Drive and the western terminus of Claybrook Lane (21.38 acres), classified within the RS10 District, requested by Mill Run, L.L.C., owner/developer, Littlejohn Engineering Associates, Inc., surveyor.

Staff recommends conditional approval subject to bonds for extension of roads, sidewalks, and public utilities and a revised plat prior to recordation.

This request is for final plat approval to create 54 lots abutting the western terminus of Bending Creek Drive and the western terminus of Claybrook Lane. This final plat complies with the preliminary plat approved in August 1999 for 141 lots (99S-028G). Staff recommends conditional approval subject to bonds for extension of roads, sidewalks, and public utilities. The revised plat needs to show a greenway trail measuring a minimum of 10 feet within the area referenced on the plat as a "conservation greenway easement". In addition, the plat needs to identify graphically, with text, the trail as a "Public Access Trail: Future Greenway". A note also needs to be added to the plat stating that a future public access trail is planned to be constructed at some time in the future along Mill Creek by Metro Government.

Resolution No. 2001-316

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-212G-12, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND UTILITIES (9-0).**"

40. 2001S-213U-12
Highlands of Brentwood, Phase 3
Map 172, Parcel 79
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to create 43 lots abutting the southwest terminus of Brentwood Highlands Drive and the northwest terminus of Timber Ridge Circle (14.96 acres), classified within the R10 Residential Planned Unit Development District, requested by CPS Land, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff recommends conditional approval subject to bonds for extension of roads, sidewalks, and public utilities.

This request is for final plat approval to create 43 lots abutting the southwest terminus of Brentwood Highlands Drive and the northwest terminus of Timber Ridge Circle. The property is zoned R10 and is within a Residential PUD. This plat complies with the final PUD plan as to layout of lots and streets. Staff recommends conditional approval of this plat subject to bonds for extension of roads, sidewalks, and public utilities.

Resolution No. 2001-317

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-213U-12, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND UTILITIES (9-0).**"

PLANNED UNIT DEVELOPMENTS (revisions)

41. 149-69-G-04

Rivergate Shopping Center
Map 26-14, Part of Parcels 48 and 52
Subarea 4 (1998)
District 10 (Balthrop)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the west margin of Gallatin Pike, opposite Shepherd Hills Drive (2.65 acres), classified within the SCR district, to permit the development of a 5,538 restaurant and a 3,822 square foot restaurant, replacing an undeveloped 9,365 square foot restaurant and 3,812 square foot restaurant, requested by Barge, Waggoner, Sumner and Cannon, appellant, for Rivergate Mall Limited Partnership, owner.

Staff recommends conditional approval including the posting of a bond for a sewer line extension and a sidewalk along Gallatin Pike.

This request is to revise a portion of the preliminary PUD plan and for final approval of the Commercial (General) PUD district to permit a 3,822 square foot restaurant and a 5,538 square foot restaurant, replacing a 9,366 square foot restaurant and a 3,812 square foot restaurant. The Planning Commission approved a revision to the preliminary PUD on March 15, 2001 to allow the creation of these two outparcel restaurants, replacing an area currently containing excess parking spaces for the mall. The plan maintains one joint access driveway for the two restaurants with access from the existing loop road around the mall. No access is proposed from Gallatin Pike. In order to bring this site into compliance with the current regulations, sidewalks are required along the frontage of Gallatin Pike. Public Works has agreed to use a \$13,625 payment in lieu of the sidewalk since TDOT will improve Gallatin Pike with sidewalks in the future. The applicant will determine if they will use this option prior to the meeting. The Traffic Engineer has indicated that no off-site traffic improvements will be required. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting. A bond is required for a sewer line extension and the sidewalk along Gallatin Pike, should it be build.

Resolution No. 2001-318

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 149-69-G-04 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)** 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.
2. Prior to the issuance of any building permits the developers shall make a contribution to the Public Works sidewalk fund in the amount of \$13,625.00 and post a bond of \$42,900.00 for the extension of a sewer line.
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. **Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.**
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation."

42. 9-77-U-12
 Food Max Shopping Center
 Map 161, Parcel 32
 Subarea 12 (1997)
 District 32 (Jenkins)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located at the northwest margin of Edmondson Pike and Old Hickory Boulevard (10.51 acres), classified within the SCC district, to permit the PUD's subdivision into two lots, requested by Ragan-Smith Associates for Albertson's, owner. (Also requesting final plat approval).

Staff recommends conditional approval of the PUD and approval of the final plat.

This request is to revise the preliminary plan and for final approval of the Commercial (General) PUD located at the corner of Old Hickory Boulevard and Edmondson Pike to subdivide one lot into two lots to allow the owner, Albertson's Inc., to sell a portion of the property. There is also a request for final plat approval to create two lots. There are no changes to the plan other than a new 30-40 foot wide ingress and egress easement from Old Hickory Boulevard to the new lot on the north. The lot on the north includes the existing Albertson's building, while the lot on the south includes several retail shops. Staff recommends conditional approval of the PUD and approval of the final plat provided Water Services and the Fire Marshal approve the plan prior to the Planning Commission meeting.

Resolution No. 2001-319

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 9-77-U-12 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE, FINAL PLAT APPROVAL (9-0)** 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.
2. Written confirmation of final approval from the Metropolitan Fire Marshall.
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. 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.
4. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation."

44. 151-79-U-14

Donelson Health Care
 Map 96-6, Parcel 227
 Subarea 14 (1996)
 District 14 (Stanley)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the northwest margin of McCampbell Avenue, opposite Surrey Road (2.65 acres), classified within the R10 and OR20 districts, to permit the development of a 18,979 square foot, 17-unit assisted living facility, replacing 52 undeveloped apartment units, requested by Larry McClanahan, appellant, for Accessable Space, Inc., owner.

Staff recommends conditional approval.

This request is to revise the preliminary PUD plan and for final approval for a phase of the Commercial (General) PUD district to permit the development of a 18,979 square foot, 17-unit assisted living facility, replacing 52 undeveloped apartment units in this phase. The original plan was approved for a 124-bed nursing home, which exists on another portion of the PUD. The plan proposes a second access driveway onto McCampbell Avenue to serve the assisted-living facility. The Traffic Engineer has indicated that the traffic generated by the assisted-living facility does not create traffic concerns. Staff recommends conditional approval provided Public Works approves the drainage plans and provided sewer capacity is purchased prior to the Planning Commission meeting.

Resolution No. 2001-320

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 151-79-U-14 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (9-0)** The following condition applies:

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."

46. 27-87-P-03

Creekside Trails, Phase II
 Map 58, Part of Parcel 16
 Subarea 3 (1998)
 District 1 (Gilmore)

A request for final approval for Phase II of the Residential Planned Unit Development District located at the southwest corner of Briley Parkway and Eaton’s Creek Road (7.28 acres), classified within the RS15 district, to develop 25 single-family lots, requested by The Laine Company, Inc., appellant, for Eaton's Creek Real Estate Investment Fund, LLC, owner. (Also requesting final plat approval).

Staff recommends conditional approval for the PUD and approval for the final plat subject to the posting of a bond for infrastructure improvements.

This request is to revise the preliminary plan and for final approval for Phase II of the Residential PUD district to permit the development of 25 single-family lots. There is also a final plat for these 25 lots. The overall PUD plan is approved for 324 single-family lots within 11 phases, while this request does not change the lot configuration from what was approved on the preliminary PUD plan. Within Phase 2, 4 of the 25 lots have been designated as critical lots due to slopes greater than 15%. These lots will require additional review by the Planning Commission and Public Works staff prior to the issuance of any grading permits. Although the Traffic Engineer is requiring several off-site road improvements with this PUD, they do not begin until Phase III. Staff recommends conditional approval provided that Public Works approves the drainage and grading plans.

Road Improvements

Prior to or in conjunction with any final PUD plan triggering the road improvements, the applicant will submit construction plans for the improvements. The off-site improvements have been reviewed and approved by the Traffic Engineer based on a traffic impact study and meetings with the applicant. The improvements include a left-turn lane on Eaton's Creek Road at the entrance to the project, a left-turn lane on Ashland City Highway at a future phase, widening of Cato Road in front of Cumberland Elementary School at a future phase, and replacement of a drainage structure beneath Cato Road at a future phase.

Resolution No. 2001-321

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 27-87-P-03 is given **CONDITIONAL PRELIMINARY APPROVAL AND FINAL APPROVAL FOR GRADING ONLY (9-0)** The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits the recording of a final plat upon the bonding of any off site public improvements.
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. **If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation.**

The sidewalk and pedestrian connection to and along Lock Two Road shall be constructed by the developer prior to the completion of Phase 6."

47. 75-87-P-14
River Glen Subdivision
Map 52, Parcel 2
Subarea 14 (1996)
District 14 (Stanley)

A request to revise the preliminary plan and for final grading for a portion of the Residential Planned Unit Development District located abutting the east terminus of Penn Meade Drive, west of Lock Two Road (51.53 acres), classified within the RS10 district, to revise the phasing plan, to develop 182 single-family lots,

replacing 197 residential units, and for final grading for a portion, requested by Civil Site Design Group, appellant, for Julius Doochin, owner.

Staff recommends conditional approval.

This request is to revise a portion of the preliminary plan and for final grading for a portion of the Residential PUD district located at the western end of Lock Two Road, to permit the development of 182 single-family lots, replacing 197 residential units. The proposed plan maintains the same basic lot configuration and access locations, with the exception of one cul-de-sac being removed. The removal of the cul-de-sac resulted in the loss of 15 lots. This plan provides three public street connections to existing stub-out streets built in previous phases. The proposed plan includes internal sidewalks on both sides of the street and a sidewalk along a portion of Lock Two Road that will connect this development to Lock Two Park at the northern end of the road. Since there is a severe grade difference between the development area and Lock Two Road, a pedestrian bridge will be built by the developer in Phase 6 to provide a pedestrian connection to the sidewalk on Lock Two Road. Staff recommends conditional approval provided Public Works approves the grading and drainage plans and water services approves the plan prior to the Planning Commission meeting.

Traffic

A traffic impact study (TIS) was prepared for this revision analyzing the project entrances and the intersection of Lock Two Road and Pennington Bend Road. The TIS concludes that this intersection will operate acceptably without new turn lanes or a traffic signal. However, the TIS recommends that Pennington Bend Road and Lock Two Road be restriped to designate travel lanes, as well as a stop bar on Lock Two Road to accommodate the "skewed" intersection.

Resolution No. 2001-322

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P-14 is given **CONDITIONAL PRELIMINARY APPROVAL AND FINAL APPROVAL FOR GRADING ONLY**

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits the recording of a final plat upon the bonding of any off site public improvements.
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. **If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation.**

The sidewalk and pedestrian connection to and along Lock Two Road shall be constructed by the developer prior to the completion of Phase 6."

48. 97P-029G-06
Bellevue Properties
Map 114, Parcel 326
Map 115, Parcel 17
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the preliminary plan of the Residential Planned Unit Development District located abutting the west terminus of Saussy Drive, 700 feet west of Rodney Drive (37.5 acres), classified within the R40 district, to permit the development of 24 single-family lots, replacing 20 undeveloped single-family lots, requested by DBS Associates Engineering, appellant, for Old Hickory Estate Partners, owner.

Staff recommends conditional approval.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Residential PUD district to permit the development of 24 single-family lots, replacing 20 undeveloped single-family lots. This is not an amendment that needs to go to council since 35 single-family lots were approved on the council approved plan originally. The applicant has indicated that multiple soil samples were done to reanalyze this portion of the site. This analysis indicated that the soils would be suitable building sites for the 4 additional lots. However, due to very steep slopes, all 24 lots have been designated as critical lots. This means that before a building permit is issued for any lot, an individual site plan for each lot shall be submitted for review and approval by the Planning Commission and Public Works Department to show that each building footprint will be designed appropriately and each lot will drain properly. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting.

Resolution No. 2001-323

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-029G-06 is given **CONDITIONAL APPROVAL (9-0)** The following condition applies:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits the recording of a final plat upon the bonding of any off site public improvements.
3. **With any request for final approval the final site developments plans shall include sidewalks on both sides of the streets.**
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. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation."

49. 2001P-005U-12

Residence Inn by Marriott at Murphy Road
Map 104-6, Parcels 58, 59 and 60
Subarea 12 (1997)
District 21 (Whitmore)

A request for final approval for a Planned Unit Development District located abutting the west margin of Murphy Court and the south margin of Murphy Road (1.46 acres), classified ORI, to permit a 90,439 square foot, 128 room, 6-story hotel, replacing an 89,507 square foot, 123 room, 6-story hotel, requested by Moore and Associates, appellant, for Fitzgerald, Greer, and Wilson, owner.

Staff recommends conditional approval.

This request is to revise the preliminary and for final approval for a PUD located along the south side of Murphy Road and the east side of Murphy Court to permit the development of a 90,439 square foot, 128 room, 6-story hotel, replacing an 89,507 square foot, 123 room, 6-story hotel. The Planning Commission and Metro Council approved a rezoning request and the preliminary PUD earlier this year. Although there is a slight increase in square footage, it does not exceed 10% of what was approved by Council. Staff recommends conditional approval provided Public Works approves the drainage plans prior to the Planning Commission meeting and provided a revised landscaping plan is submitted.

This plan was designed and intended to meet the goals of the Urban Zoning Overlay (UZO) district. The building is located close to Murphy Road and Murphy Court, while locating the parking in the rear to create a more urban, pedestrian-friendly design. There is an access driveway from Murphy Road and one from the alley on the east side of the site. This design will bring the driveway through and under the building for a centralized drop-off point, with parking in the rear. This building location will help to foster a more urban, less suburban, design that will promote pedestrian traffic at the front of the building.

This plan meets all of the conditions of the preliminary approval, as listed below:

Any future revisions to the hotel plan may not increase the Floor Area Ratio (FAR) or building height over that approved on this preliminary PUD plan (1.74 FAR, while ORI allows an FAR of up to 3.0)-- this plan proposes an FAR of 1.45; and 6-stories in height---this plan proposes a height of 6-stories, while this site could be developed at up to 10 stories under ORI);

Any future use other than the hotel in the ORI district shall be limited to a .75 FAR and consistent with the Urban Zoning Overlay goals and intent.

A PUD amendment, requiring Council action, shall be required if any use is added to this site that would create an FAR of greater than 1.74 for the entire site;

At a minimum, the façade of the hotel structure shall be red brick on the first-floor, including the rear and all sides of the building at the first-floor level;

One double-faced, ground mounted sign, not exceeding 6-feet in total height and 30 square feet in sign area, shall be permitted on Murphy Road. The sign shall be supported by a solid base of brick. The brick shall be of the same color used on the hotel structure's façade as provided above;

Two wall-mounted signs shall be permitted on the building's façades. No pole-mounted sign(s) shall be permitted anywhere within the boundary of the PUD.

This PUD will also be conditioned that the final plat show a 12 foot public right-of-way dedication along Murphy Road to accommodate a future right turn lane onto West End Avenue, and to dedicate an additional 5-feet to widen the existing alley on the east side of this site.

Resolution No. 2001-324

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-005U-12, is given **CONDITIONAL FINAL PUD APPROVAL (9-0)** 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.
2. At a minimum, the façade of the hotel structure shall be red brick on the first-floor, including the rear and all sides of the building at the first floor level.
3. One double-faced, ground mounted sign, not exceeding 6-feet in total height and 30 square feet in sign area, shall be permitted on Murphy Road. The sign shall be supported by a solid base of brick. The brick shall be of the same color used on the hotel structure's façade as provided in condition No. 2, above.

4. Two wall-mounted signs shall be permitted on the building's facades. No pole-mounted sign(s) shall be permitted anywhere within the boundary of the PUD.
5. 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.
6. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
7. Any future revisions to the hotel plan may not increase the Floor Area Ratio (FAR) or building height over that approved on this preliminary PUD plan (1.74 FAR, while ORI allows an FAR of up to 3.0); and 6-stories in height, while this site could be developed at up to 10 stories under ORI).
8. Any future use other than the hotel in the ORI district shall be limited to a .75 FAR and consistent with the Urban Zoning Overlay goals and intent.
9. A PUD amendment, requiring Council action, shall be required if any use is added to this site that would create an FAR of greater than 1.74 for the entire site."

MANDATORY REFERRALS

50. 2001M-059U-09

Aerial Encroachment at 12th Avenue North
and Porter Street
Map 93-9, Parcels 119
Subarea 9 (1997)
District 19 (Wallace)

A request to install for Faison's, Inc., restaurant, two awnings each 3' 8" in height and 13' in width, projecting over the public sidewalk 3' and measuring 9' above the sidewalk, requested by Scott Jones, Crown Tent and Awning, appellant for Faison's, Inc., leasee, and John M. Ferguson, owner.

Staff recommends approval.

This request is for an aerial encroachment for two awnings. The two canvas awnings will be installed at 124 12th Avenue North for Faison's restaurant. The two awnings will each measure 3' 8" in height and 13' in width, projecting over the public sidewalk 3' and measuring 9' above the sidewalk. A standard and non-visible method will be used to mount these awnings. Staff recommends approval since all agencies and departments have reviewed and approved this encroachment.

Resolution No. 2001-325

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-059U-09 is **APPROVED (9-0).**"

51. 2001M-062U-13

Easement Acquisition for Dell Sewer System (99-SL-137)
Map 120, Parcel 157
Subarea 13 (1996)
District 27 (Sontany)

A request to acquire an easement for the Dell Sewer System (99-SL-137), requested by Metro Water Services.

Staff recommends approval.

This request is for Metro Water Services to acquire a 20' sewer line easement running 740' for the Dell Sewer System (99-SL-137) on tax map 120, parcel 157. Staff recommends approval since all agencies and departments have reviewed and approved this acquisition.

Resolution No. 2001-326

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-062U-13 is **APPROVED (9-0).**"

53. 2001M-064G-04

Closure of Alley 1404
Map 34-9, Parcels 99-107, 110, 112, and 163
Map 34-13, Parcels 6, 7, 11, 12, 13, and 17
Subarea 4 (1998)
District 9 (Dillard)

A request to close Alley #1404 running 776' between Gallatin Pike and Scoot Avenue, requested by Jack W. Garrison, for abutting property owners. (Easements are to be abandoned).

Staff recommends approval subject to NES approval.

This request is to close Alley #1404 which runs approximately 776' from Gallatin Pike to Scoot Avenue. All easements are to be abandoned. The alley is not needed for traffic circulation or other services. All abutting property owners have signed the application to close this alley. None will be landlocked by the closure. Staff recommends approval of the alley's closure subject to NES' approval. All other agencies and departments have approved this request.

Resolution No. 2001-327

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-064G-04 is **APPROVED (9-0).**"

54. 2001M-066U-08

Council Bill No. BL2001-755
Boyd Park Transfer from Metro Government to MDHA
Map 92-5, Part of Parcel 33
Subarea 8 (1995)
District 21 (Whitmore)

A council bill to transfer a portion of property (.067 acres) zoned R6 within Boyd Park from Metro Government to MDHA, requested by the Public Property Administrator.

Staff recommends approval.

This council bill is to transfer a portion of property (.067 acres) zoned R6 within Boyd Park from Metro Government to MDHA. The Metro Park Board approved this transfer of property at its meeting on June 5, 2001. This transfer is needed to rectify the fact that a portion of the Preston Taylor Community Center encroaches onto this property. Staff recommends approval of this transfer since all reviewing agencies and departments have recommended approval.

Resolution No. 2001-328

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-066U-08 is **APPROVED (9-0).**"

55. 2001M-069G-14

Rename Chandler Road to "Dodson Chapel Lane"
Map 86, Parcels 54 and 147
Subarea 14 (1996)
District 12 (Ponder)

A request to rename an unbuilt portion of Chandler Road between Dodson Chapel Road and Central Pike to "Dodson Chapel Lane", requested by Interim Director of Public Works Department.

Staff recommends approval.

This request is to rename an unbuilt portion of Chandler Road between Dodson Chapel Road and Central Pike to "Dodson Chapel Lane". It was decided after conferring with Public Works that closing the unbuilt portion of Chandler Road that lies between Central Pike and Dodson Chapel Road was not in the best interest of the public (2001M-048G-14). It was discovered that the name Chandler Road, which also exists in Hermitage by Tulip Grove Road, might cause confusion. In a cooperative effort, the Planning Department and the Public Works Department now suggest that changing the name to Dodson Chapel Lane is the best solution.

Resolution No. 2001-329

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-069G-14 is **APPROVED (9-0).**"

OTHER BUSINESS

56. Employee Contract for Marcus Hardison

Resolution No. 2001-330

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the employee contract for Marcus Hardison for one year from July 23, 2001 through July 22, 2002."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS and NEIGHBORHOOD LANDMARK DEVELOPMENT PLAN

2. 2001Z-018G-13

Map 165, Parcel 9
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a to RS10 district property at 3731 Hamilton Church Road, approximately 2,400 feet east of Hobson Pike (35 acres), requested by Robert McKinney, appellant, for E. A. Brent et ux, owners. (Deferred from meetings of 01/18/01 and 06/27/01).

Mr. Leeman stated Staff recommends approval. No Subarea Plan Amendment is required. A traffic impact study was required to analyze project impacts on nearby intersections and neighborhoods, and one was submitted.

This item was deferred at the June 27, 2001 Planning Commission meeting to work out issues with the street connection to the existing South Shore PUD. This request is to change 35 acres at 3731 Hamilton Church Road from AR2a (agricultural) to RS10 (single-family) district. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The proposed RS10 district is intended for single-family homes at up to 3.7 units per acre. With RS10 zoning, up to 130 single-family homes could be constructed on this property.

Staff recommends approval of the proposed RS10 zoning. It is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre.

Traffic

A traffic impact study was prepared and approved by the Traffic Engineer. The study analyzed the impact single-family development will have on Hamilton Church Road, Hobson Pike, and LaVergne Couchville Pike, three substandard collector streets. That study indicated that the future improvements already slated for the first phase of the South Shore PUD (adjacent to this property) will be sufficient to accommodate this proposed RS10 zoning (as noted below). To further reduce congestion on Hamilton Church Road, this development will provide an internal street connection to the South Shore PUD. The PUD owner has agreed to that connection and will be submitting a revised plan for the Planning Commission's consideration on August 2, 2001.

The Planning Commission approved a revised preliminary PUD plan for South Shore on February 17, 2000 with the following off-site road improvements at various phases:
northbound left-turn lane from Hobson Pike onto Hamilton Church Road;
southbound left-turn lane from Hobson Pike onto Hamilton Church Road;
eastbound left-turn lane on Hamilton Church Road onto Hobson Pike;
westbound right-turn lane from Hamilton Church Road onto Murfreesboro Pike;
dedication of right-of-way along the frontage of Hamilton Church Road to allow for the future widening of the road to collector standards.

Schools

A single-family development at RS10 density will generate approximately 32 students (14 elementary, 10 middle, and 8 high school). There is sufficient capacity at Mountain View Elementary and Kennedy Middle School, and insufficient capacity at Antioch High School. Presently, Antioch High School is an impacted school. The school's capacity is for 2000 students and current enrollment is 2015 students, exceeding capacity by .01%. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Jerry Kemp, representing the applicant, spoke in favor of the proposal.

Ms. Phyllis Chambers and Ms. Ann Presley spoke in opposition and expressed concerns regarding density, substandard roads, school overcrowding, property depreciation and the connection to adjacent properties.

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

Ms. Jones stated this plan is in conjunction with the Subarea 13 Plan.

Mr. Clifton stated the Commission's role is not to make the political decision and that he is in favor of this affordable housing.

Ms. Nielson moved and Ms. Small seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-331

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-018G-13 is **APPROVED (9-0)**."

7. 2001Z-063U-05
Map 61-15, Parcel 52
Subarea 5 (1994)
District 8 (Hart)

A request to change from OR20 district to CS district property at 3913 Gallatin Pike, north of Oak Street (0.44 acres), requested by Inglewood Baptist Church, appellant/owner.

Ms. Regen stated staff recommends disapproval.

A Subarea Plan Amendment is required, however, a subarea plan amendment was prepared by staff in 1997 in conjunction with a similar request for CS zoning. Since the development conditions have not changed in the intervening 4 years, staff determined another plan amendment was not required. The Commission previously disapproved it.

No traffic impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change .44 acres at 3913 Gallatin Pike, north of Oak Street, from OR20 (office and multi-family residential) to CS (commercial service) district. The existing OR20 district is intended for office and single-family, duplex, and/or multi-family uses at up to 20 dwelling units per acre. The proposed CS district is intended for a wide range of commercial service related uses including retail, restaurants, banks, offices, self-storage, light manufacturing, and auto sales. The Inglewood Baptist Church owns this property and is seeking to rezone it. This is the church's second attempt to rezone this property in the past two years. The previous attempt in July 1999 (99Z-098U) was disapproved as contrary to the General Plan by the Planning Commission. The church had rented the property to a tenant who was operating an illegal flea market. That tenant was cited by the Codes Department. A council bill was not filed, and therefore, the CS zoning was never approved by Council.

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. The existing OR20 zoning is consistent with the Subarea 5 Plan. There are ample opportunities for commercial uses elsewhere along Gallatin Pike. This property is situated within the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy. The subarea plan calls for strictly office zoning along this stretch to retain and reuse the older homes along this stretch. The opposite side of Gallatin Pike is intended to have a mixture of commercial, retail, and office uses since there are no structures to preserve.

Over the past four years, there have been several attempts to rezone from OR20 to CS district properties between McIver Street and Gillock Street along the western margin of Gallatin Pike. These rezonings have all been disapproved by the Planning Commission as contrary to the General Plan. The first was for a Sonic restaurant on parcels 56-60 to the north (97Z-070U). A subarea plan amendment was done in conjunction with that rezoning. The Commission affirmed the existing policy to retain office zoning for this area. The Sonic found underutilized commercial property across the street and constructed a restaurant on property already zoned CL. The second request was to rezone the same piece of property as is currently requested in

1999 (99Z-098U). Another request was for parcel 310 at the corner of Oak Street and Gallatin Pike (2000Z-027U). This property was also owned by the church. While the Commission recommended disapproval as contrary to the General Plan, the Metro Council approved the rezoning.

Traffic

The traffic engineer has indicated that Gallatin Pike can sufficiently handle traffic generated by the proposed CS zoning on this property.

No one was present to speak at the public hearing.

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

Resolution No. 2001-332

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-063U-05 is **DISAPPROVED (8-1) as contrary to the General Plan:**

The existing Subarea 5 Plan's Commercial Arterial Existing (CAE) policy does not support CS zoning on this property. The existing OR20 zoning is consistent with the Subarea 5 Plan. There are ample opportunities for commercial uses elsewhere along Gallatin Pike. The subarea plan calls for strictly office zoning along this stretch to retain and reuse the older homes along this stretch. The opposite side of Gallatin Pike is intended to have a mixture of commercial, retail, and office uses since there are no structures to preserve."

11. 2001Z-067U-08

Map 92-7, Parcels 365, 366, 367 and 368
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from R6 district to RM60 district properties at 2005 Jo Johnston Avenue and 517, 521, and 525 20th Avenue North, abutting the southwest corner of 20th Avenue North and Jo Johnston Avenue (0.59 acres), requested by Raymund Bowman for Spruce Street Baptist Church, appellant/owner.

Ms. Regen stated staff recommends disapproval as contrary to the General Plan.

No Subarea Plan Amendment is required. The Subarea 8 Plan update is currently underway. Staff and Subarea 8 citizens will assess this request as part of the update process.

No traffic impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change .59 acres from R6 to RM60 district properties at 2005 Jo Johnston Avenue, and 517, 521, and 525 20th Avenue North, abutting the west margin of 20th Avenue North and the south margin of Jo Johnston Avenue. The existing R6 district is intended for single and two-family homes at a density of 6.17 dwelling units per acre. The proposed RM60 district is intended for multi-family dwellings at 60 units per acre. This district is typically characterized by mid and high-rise structures and structured parking.

The applicant is requesting this zone change to accommodate the development of a 4-story apartment building that contains 36 total units. The RM60 district would allow 35 total units on this .59 acre property. The Planning Commission has not previously recommended approval of a zone change from R6 to RM60 in this area.

Staff recommends disapproval as contrary to the General Plan since the RM60 district is inconsistent with the Subarea 8 Plan's Residential Medium (RM) policy calling for 4 to 9 residential units per acre. The policy for this area recommends that the single-family land use element be strengthened through new construction on vacant lots. The policy further states that new houses constructed here should be in keeping with the neighborhood character while providing for a range of choices toward the higher end of the market and that residential densities should be limited to the lower end of the range.

The Subarea 8 Plan is currently being updated. The updated plan for Subarea 8 will be prepared under a new subarea planning approach in which the Land Use Policy Plan in the current plan will be replaced by a two-tiered plan for future land use. The new plan will have a "Structure Plan" that uses the neighborhood as the basic planning unit. Detailed Neighborhood Design Plans will be prepared and utilized for each individual neighborhood based on the Structure Plan. Although it is still early in the updating process for this particular neighborhood, the staff believes that RM20 district (medium high density residential, intended for multi-family dwellings at 20 units per acre) is a trend happening in this area and would be a more acceptable district for this property. The Planning Commission has previously supported RM20 requests in this area to encourage and support reinvestment efforts. The RM60 district will allow densities too great and buildings too tall for this neighborhood even after the update of Subarea 8 Plan is complete.

Schools

A multi-family development at RM60 density will generate approximately 8 students (3 elementary, 2 middle, and 2 high school). Head Middle School would be impacted by the proposed development of this site. The current enrollment is 712 students, while the capacity is only 675 students. As more residential development occurs in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Raymond Bowman, applicant, spoke in favor of the proposal.

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

Ms. Nielson stated she was opposed to this proposal because if this zone change was approved the property could be sold to someone else and something damaging could actually be built on that lot.

Mr. Clifton stated perhaps the Commission should be more flexible on this proposal because the church has been in that location for 153 years.

Mr. McLean asked if a PUD, with its restrictions, would make the church's plan work.

Mr. Bernhardt stated that in this case a PUD would not answer their problems because of the size of the lot.

Mr. Small stated he felt this development would change the character of the neighborhood and that the Commission should disapprove it as it stands at the present time because it is contrary to the General Plan. The subarea is presently under review and the Commission could look at this proposal again after the update is complete.

Ms. Jones urged Mr. Bowman to get involved in the subarea planning.

Councilmember Ponder agreed with Ms. Nielson and also expressed his concerns regarding the land changing hands.

Mr. Small moved and Ms. Jones seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan.

Resolution No. 2001-333

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-067U-08 is **DISAPPROVED (9-0)** as contrary to the General Plan:

This proposal is not consistent with the Subarea 8 Plan's Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre. The RM60 district allows up to 60 dwelling units per acre. The policy for this area recommends that the single-family land use element be strengthened through new construction on vacant lots. The policy further states that new houses constructed here should be in keeping with the neighborhood character while providing for a range of choices toward the higher end of the market and that residential densities should be limited to the lower end of the range."

12. 2001Z-068U-10
Map 92-10, Parcels 314 and 435
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from IR district to CF district properties at 27th Avenue (unnumbered), abutting the east margin of 27th Avenue North and the south side of the CSX Railroad tracks (1.4 acres), requested by Wynton Overstreet, appellant, for the Plainsman Group, LLC, owner.

Mr. Leeman stated staff recommends approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 1.4 acres from IR to CF district properties at 27th Avenue (unnumbered), abutting the east margin of 27th Avenue North and the south side of the CSX Railroad tracks. The existing IR district is intended for a wide range of light and medium manufacturing, warehousing, and distribution uses at moderate intensities within enclosed structures. The proposed CF district is intended for a mixture of parking, restaurant, retail, office, and residential for the central business district.

The applicant is requesting this zone change in order to facilitate an exchange of property with his neighbor who is currently zoned CF (parcels 302). The applicant would like to use the land conveyed in the swap to build an addition of 6,000 to 8,000 square feet onto an existing 23,000 square foot warehouse. The Planning Commission previously approved a zone change from IR and MRO to CF for parcel 408 on December 12, 1996 (96Z-127U).

Staff recommends approval since the CF district is consistent with the Subarea 10 Plan's Mixed-Use (MU) Policy. That policy encourages a continued compact development form versus sprawl into surrounding areas. It also recommends that development densities be permitted to increase from what presently ranges from 3.00 to 5.00 in floor area ratio. The applicant is seeking a zone change to CF district because it will allow an expansion beyond 25,000 square feet. This change will benefit a thriving business in this area.

Resolution No. 2001-334

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-068U-10 is **APPROVED (9-0)**:

This proposal for the CF district is consistent with the Subarea 10 Plan's Mixed-Use (MU) Policy. That policy encourages a continued compact development form versus sprawl into surrounding areas."

13. 2001Z-070G-06
Map 127, Parcel 12
Subarea 6 (1996)

District 23 (Bogen)

A request to change from R40 district to AR2a district property at Charlotte Pike (unnumbered), east of Huntwick Trail near the intersection of Highway 70 (6.86 acres), requested by Doris Hall Calloway, appellant/owner.

Mr. Leeman stated staff recommends disapproval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 6.86 acres at Charlotte Pike (unnumbered) east of Huntwick Trail near the intersection of Highway 70 from R40 (residential) to AR2a (agricultural). The existing R40 zoning is intended for single-family and duplex residential at 1 dwelling unit per acre. The proposed AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The applicant is requesting this downzoning to place a wholesale nursery, Calloway's, on the property. Ms. Calloway is relocating her nursery from the Old Harding Pike/Bellevue Road intersection to this location. The Zoning Administrator has indicated a wholesale nursery is a permitted use in the AR2a district.

Staff recommends disapproval of the AR2a zoning. It is not consistent with the existing residential (R40) zoning pattern in this area. The existing R40 zoning will also serve to protect the site with low density development, consistent with the Subarea 6 Plan's Natural Conservation (NC) policy. That policy calls for protecting steeply sloped properties and areas containing floodplain. This property has slopes of approximately 30%, which the R40 zoning will serve to protect. Staff does not favor rezoning one parcel when the surrounding area has an established zoning pattern, as it does in this case (R40).

Traffic

The traffic engineer has indicated that Charlotte Pike and Highway 70 S can currently accommodate the traffic generated by the proposed AR2a zoning.

Schools

Rezoning this property back to AR2a will not change or create any additional students for schools in the Bellevue area.

Since the staff report was sent out staff has discussed this with Code that this proposal would work for a wholesale nursery so staff has changed their recommendation to disapproval because of the residential zoning in the neighborhood. The applicant could have an accessory use with the R40.

Councilmember Bogen stated he had received calls of concerns regarding the impact this rezoning would have on the neighborhood.

Mr. Chuck Jones, Ms. Kathy Shaw, Mr. Bob Stratt, Mr. George Oslebal and Mr. Wayne Erskin spoke in opposition to the proposal expressed concern regarding AR2a zoning allowing mobile homes, traffic, safety, a moving sale sign in the applicant's yard, drainage and flooding, spot zoning, and the clearing of the land.

Ms. Doris Calloway, applicant stated she just wanted permission to make a living and that there would be no trailer park and that this is a good location for her business.

Mr. Ken McMaster stated Ms. Calloway had been a good neighbor for 12 year and takes care of her property and would not do any thing to harm it.

Ms. Pat Madden, adjacent property owner, stated she owned the field next to Ms. Calloway's property and it floods very badly.

Mr. Herman Best also spoke in opposition to the proposal.

Councilmember Bogen stated he was in opposition to the proposal and would not sign a Council bill on it. He asked if a bill would be filed.

Mr. Bernhardt stated there would be no bill filed unless he or another Councilmember requested one be filed.

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

Resolution No. 2001-335

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-070G-06 is **DISAPPROVED (9-0)**:

This proposal to rezone to AR2a is not consistent with the existing R40 single-family residential zoning pattern in the area or the established residential neighborhood that surrounds this parcel. The applicant can currently use this property for "agricultural activities," as defined by the Zoning Ordinance, as an accessory use to a residence in the existing R40 zoning district."

14. 2001Z-073U-05
Map 82-16, Parcels 103 and 104
Subarea 5 (1994)
District 6 (Beehan)

A request to apply the Neighborhood Landmark Overlay district to Russell Street Church of Christ at 819 and 901 Russell Street (.58 acres), classified within the R8 district, requested by March Egerton, appellant, for Russell Street Church of Christ, owner.

Ms. Regen stated staff recommends approval.

No Subarea Plan Amendment is required.

No traffic impact study required to analyze project impacts on nearby intersections and neighborhoods. The proposed overlay district preserves the existing church. Traffic generated by any future use will be analyzed with the actual neighborhood landmark development plan. That plan will be submitted once the overlay district is approved by Council.

This request is to apply the Neighborhood Landmark Overlay District (NLOD) on 0.58 acres of property located at 819 and 901 Russell Street, the former Russell Street Church of Christ. This church is located within the R8 district just south of Woodland Street. It is a Romanesque Revival style church structure built in 1905. The church is not listed individually on the National Register of Historic Places, however, it is a contributing structure located within the Edgefield Historic Preservation Overlay District and the Edgefield Historic Zoning District.

The NLOD was created to allow for the adaptive reuse of neighborhood features such as this church, not necessarily for historic structures only. The applicant, March Egerton, recently purchased the property from the Trustees of the Russell Street Church of Christ. He has not yet identified a specific use of the property. Applying the NLOD will enable him to market the property and create a development plan in keeping with this established residential neighborhood.

Creating the Neighborhood Landmark District is the first step in a two step process. After the NLOD district has been approved by Council, a Neighborhood Landmark Development plan must be approved by the

Planning Commission. A public hearing will be held on the development plan as well. The development site plan will address site design, specific uses, building, scale, landscaping, massing issues, parking lot access, and lighting. At the NLOD stage, the application is reviewed against the following criteria outlined in the Zoning Ordinance:

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

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

The only reason to consider the application of the Neighborhood Landmark district is to protect and preserve the identified feature;

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

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

Staff recommends approval of applying the NLOD to this property. The church is a massive structure anchoring this neighborhood. It also represents the historical pattern of development of neighborhood churches. The East Nashville area had many such churches, and few remain today. Many were razed during the urban renewal efforts of the 1950's and with the construction of the interstate system in the 1960's. The structure was heavily damaged during the 1998 tornado that went through East Nashville. The Historic Commission will have to review and make a recommendation on any proposed changes to this structure at the final development plan stage, while ReDiscover East will work with the Planning Department staff and the neighbors living nearby.

Mr. Enis Lee, representing the Edgefield Historic Neighborhood Association, stated they support this proposal and they would have a committee ready to work with the Planning Department and the developer.

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

Resolution No. 2001-336

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-073U-05 is **APPROVED (9-0)**:

This proposal will allow for the adaptive re-use of the existing structure, while maintaining the existing residential character on Russell Street. The church is a massive structure anchoring this neighborhood. It also represents the historical pattern of development of neighborhood churches. It is a significant structure in this neighborhood which should be preserved and reused in a manner that is compatible with and supported by the neighborhood."

Mr. Small questioned the inclusion of the parking lot in the overlay because it was not historic or and neighborhood landmark. He asked what would happen if the owner decided to sell the parking lot separately from the church property.

Mr. Bernhardt stated if that happened it would have to come back before the Commission.

Map 26-15, Parcel 24
Subarea 2 (1995)
District 10 (Balthrop)

A request to change from R20 district to OL district property at 109 Northside Drive, east of Gallatin Pike (1.38 acres), requested by Chen Yong Lien and Lou Gou Lien, appellants, for Chen Yong Lien, owner.

Mr. Leeman stated staff recommends disapproval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to rezone 1.38 acres at 109 Northside Drive, east of Gallatin Pike from R20 (residential) to OL (office) district. The existing R20 district is intended for residential, single-family and duplex at 1.85 dwelling units per acre. The proposed OL district is intended for general office, medical office, and parking.

Staff recommends disapproval of this rezoning since it represents the encroachment of non-residential uses into an established neighborhood. Most of this property falls within the Subarea 2 Plan's Retail Concentration Super Community (RCS) policy. The RCS policy calls for large concentrations of commercial, retail, restaurant, and services uses around the Rivergate Mall and Gallatin Pike. The intent of that policy was, however, for the orientation of commercial uses to Gallatin Pike. Over the years, there has been considerable pressure for commercial zoning to encroach into this neighborhood, first with office zoning, and then commercial zoning.

The RCS policy was applied to this property in recognition of the commercial depth of other properties along Gallatin Pike (see sketch). If this property were consolidated with parcels 17 and/or 18 along Gallatin Pike, staff would support rezoning it for commercial use provided all access was from Gallatin Pike. The Northside Commons Commercial PUD (130-85-P) was approved in 1985 with its primary access on Gallatin Pike. There is a secondary access point on Northside Drive across from the parcel 17, which is zoned for commercial. Currently, rezoning this property for office use would require its access to be exclusively from Northside Drive, a residential street. If this property were to be rezoned, staff anticipates similarly situated properties in this neighborhood to seek the same consideration. This case is considered precedent setting.

Ms. Elizabeth Lein, representing her parents, spoke in favor of the proposal and stated she had talked to the neighbors and they support the change because they feel the neighborhood needs a buffer such as this proposal would provide. At the present time her yard is surrounded on three sides by commercial. This new development would benefit the neighborhood.

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

Ms. Jones asked if there was anything setup in the subarea plan to establish a buffer.

Mr. Leeman stated there was not, but this parcel maybe appropriate to be commercial if there were a way for traffic to enter without coming through Northside Drive. Also there is a large difference in the topography from the frontage on Gallatin Pike and this property.

Ms. Nielson stated she understood the grade separation, but this is an unusual situation.

Mr. Clifton stated there is no way this Commission intended for there to be non-residential structures orientated to residential streets. This will eventually harm that residential neighborhood.

Ms. Jones moved and Mr. Small seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-337

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-074G-02 is **DISAPPROVED (9-0)**:

This proposal is not consistent with the intent of the Subarea 4 Plan's policy, calling for commercial uses to access and front on Gallatin Pike. This proposal represents the encroachment of non-residential uses into an established neighborhood. While most of this property falls within the Subarea 4 Plan's Retail Concentration Super Community (RCS) policy, its access is from a residential street. The RCS policy calls for large concentrations of commercial, retail, restaurant, and services uses around the Rivergate Mall and Gallatin Pike. The intent of that policy was, however, for the orientation of commercial uses to Gallatin Pike. This property's orientation is not supported by the policy."

16. 2001Z-075G-12

Map 174, Parcel 35
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS15 district property at 5704 Cane Ridge Road on the east side of Cane Ridge Road, south of Old Franklin Road (30.6 acres), requested by Roy Dale of Dale & Associates, appellant, for Cane Ridge Farms, LLC, owner.

Ms. Regen stated Staff recommends conditional approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change from AR2a to RS15 district property at 5704 Cane Ridge Road on the east side of Cane Ridge Road south of Old Franklin Road. The current AR2a district requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family dwellings and mobile homes. The requested RS15 district is intended for low-medium density residential single-family homes at a density of 2.47 dwelling units per acre.

Staff recommends conditional approval since the application coincides with the Residential Medium Density (RM) Policy within the Subarea 12 Plan. RM policy is intended for new residential developments that are within a density range of 4 to 9 units per acre.

Traffic

The Traffic Engineer indicates that a center-turn lane is necessary from the intersection of Blairfield Drive and Cane Ridge Road to the intersection of Cane Ridge Road and the entrance to the property in question. In 1996, an alternatives analysis was conducted for the Southeast Arterial. Through the analysis a preferred alternative alignment was chosen, and that alignment is proposed to cross a corner of this site. If the alignment of the planned Southeast Arterial remains unchanged on the Major Street Plan when the plan update is concluded toward the end of this year, the subdivision design for this parcel will need to "reserve" a corridor for the future southeast arterial.

Schools

A single-family development at RS15 density will generate approximately 16 students (7 elementary, 5 middle, and 4 high school). While Maxwell Elementary and Antioch Middle schools may not be impacted by the development of this property under the proposed zoning, Antioch High School will be impacted. The school's capacity is 2,000 students while the current enrollment is 2,015 students, thus exceeding capacity

by .01%. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Wayne Dugger stated the caption to this proposal has his address, 5704 Cane Ridge Road, listed as the property to be rezoned and that was the address for his home and he didn't want his property rezoned. The map outline does not include his property but the address is incorrect.

Ms. Regen stated staff could make a clerical change to correct the address.

Chairman Lawson stated he did not feel comfortable continuing with this proposal with the incorrect address on it.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter one meeting.

Mr. Roy Dale stated this situation is not unusual for a map and parcel number to be the same, but to have the same address is unusual.

20. 2001Z-080G-06
Map 156, Parcel 47
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from AR2a and R40 districts to RS20 district properties at 7401 Highway 100, west of Old Hickory Boulevard (89.03 acres), requested by Carl Storey of Carl Storey Real Estate, appellant, for Sarah Green, owner.

Ms. Regen Staff recommends conditional approval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods. The Metro Traffic Engineer has accepted a letter from the applicant agreeing to construction of no more than 94 single-family lots.

This request is to change 89 acres from AR2a (agricultural), R40 and RS40 (residential) to RS20 (residential) at 7401 Highway 100. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The existing R40 is intended for residential single-family and duplexes at 1 dwelling unit per acre while the RS40 is for single-family homes only at 1 dwelling unit per acre. The proposed RS20 district is intended for single-family homes at 1.85 dwelling units per acre. This property is located adjacent to Edwin Warner Park on Highway 100.

Staff recommends conditional approval with a maximum of 94 single-family lots, and a new traffic signal and left-turn lane into the project entrance at Highway 100. These conditions of approval have been made by the Metro Traffic Engineer and agreed to by the applicant in writing. The proposed RS20 zoning is consistent with the Subarea 6 Plan's Natural Conservation (NC) policy. NC policy was applied to mostly undeveloped areas with the widespread presence of steeply sloping terrain, unstable soils, and floodplains. NC policy is intended for low-density residential development at 2-4 dwelling units per acre. Given this property's proximity to Edwin Warner Park and the Harpeth River floodway (approximately 53%) and floodplain (approximately 63%), the future subdivision plat should be designed so as to ensure compatibility with these natural features.

Schools

The 94 single-family lots could generate approximately 19 students (8 elementary, 6 middle, and 5 high school). There is currently excess capacity at Harpeth Valley Elementary, Bellevue Middle School, Hillwood High School to accommodate new development in this area.

Mr. Mac Moore, speaking for the Devon Farms Neighborhood Association, stated this was the first time anyone in the neighborhood had seen or heard anything about the plan. He expressed concerns regarding the plan changing after approval, widening Highway 100, traffic and safety.

Ms. Kelly Seemens expressed concerns regarding flooding from the river.

Mr. Rob Porter, representing the civil design group, stated there were still several concerns to address such as the turn lane and the right-of-way dedication for the widening of Highway 100.

Ms. Ann Roberts, Metro Historical Commission, emphasized to the Commission the importance of the historic home on the property that was built in the 1700s. She stated the Historical Commission would welcome the opportunity to work with the planning staff and developer regarding that house.

Mr. Warner Bass, representing Friends of Warner Park, expressed concerns regarding the impact on Highway 100 and Warner Park. He asked for the opportunity for the Friends of Warner Park and the Parks Department to also work with staff on this development and asked for deferral.

Mr. Tom White, representing the applicant, spoke in favor of the plan and asked the Commission to close the public hearing and defer until the next meeting.

Councilmember Vic Lineweaver also expressed concerns regarding traffic, safety and widening Highway 100. The developer is making land donation to Greenways and to the Friends of Warner Parks. He asked the Commission to close the public hearing and defer this matter for one meeting.

Ms. Nielson moved and Ms. Jones seconded to close the public hearing and defer for two weeks.

Mr. Clifton stated he would like to leave the public hearing opens.

Ms. Nielson stated she did not have any objections to leaving the public hearing open and amended her motion. Councilmember Ponder seconded the amended motion to, which carried unanimously, to leave the public hearing open and defer this matter for two weeks.

PRELIMINARY PLAT SUBDIVISIONS

25. 2001S-180U-03

Creekside Subdivision

Map 49, Parcel 336

Subarea 3 (1998)

District 1 (Gilmore)

A request for preliminary plat approval for 45 lots abutting the east margin of Buena Vista Pike, approximately 270 feet north of Buena Vista Court (16.6 acres), classified within the RS15 district, requested by Landmark Realty Services Corporation, owner/developer, Thornton and Associates, Inc., surveyor. (Deferred from meeting of 06/27/01).

Mr. Sewell stated staff recommends conditional approval with a variance to the greenway buffer.

This item was deferred at the June 27, 2001 Planning Commission meeting. This request is for preliminary plat approval for a cluster lot subdivision containing 45 lots located on approximately 17 acres abutting the

east margin of Buena Vista Pike in the RS15 district. The applicant proposes a cluster lot subdivision with a minimum lot size of 7,500 square feet. The proposed density is approximately 2.6 dwelling units per acre with 30 percent of the site in permanent open space (5.8 acres). In 1999, the Planning Commission approved a preliminary plat for 41 lots on this same property (99S-177U). The approved plat expired on April 1, 2001.

Design - Greenway

Given this property's flatness and location adjacent to Whites Creek, a significant portion of the property is encumbered by floodway and floodplain. Much of that land is also part of the Greenways Master Plan.

Because the property is part of the Greenways Master Plan, it is anticipated to be included in a future Greenway Overlay District (as defined by the Zoning Ordinance). The applicant has proposed 5.8 acres within an open space easement that will include a future greenway trail. The Zoning Ordinance requires the applicant provide only

2.5 acres. Since the applicant is proposing an extra 3.2 acres, the Zoning Ordinance allows for a 25% density bonus. The density bonus is calculated on the open space area and increases the total lot count from 41 to 45 lots.

Typically, the greenway trail is located on the edge of the floodway, in this case, this property is so flat, much of it is encumbered by the floodway. The Subdivision Regulations require a 75' buffer for the greenway trail. Due to the site's topography, staff recommends a variance to this regulation. The 10 foot greenway trail is proposed within the floodway so it can run along the creek. If the trail were actually included within the required 75' buffer at the floodway's fringe, it would be anywhere from 240 to 260 feet away from the creek. The trail will be constructed by Metro Government at some point in the future.

Design - Lots

The regulations require lots fronting a street on the perimeter of a cluster lot subdivision to be a minimum of 90 percent of the lot size required by the underlying zoning district. The intent of the provision is to ensure that new development across the street from existing development matches the established pattern. In this case, Buena Vista Pike is a busy arterial street and a church, a non-residential use, is located across the street on a large lot. While the lots are smaller than provided by the regulations, the Zoning Administrator indicated that their size could only be increased with the loss of open space along Whites Creek. The subdivision to the south, J. C. Smith Jr. (98S-107U), were approved in 1999 with 15,000 square foot lots or larger. This subdivision, however, did not have to comply with today's floodway buffer, sidewalk, and greenway requirements along White's Creek. The Creekside subdivision has been designed to comply with these requirements whereas the J.C. Smith development was not required to meet these higher standards. These standards did not exist when it was approved.

Access

All lots will get their access from Buena Vista Pike off of a new public street, Creekside Drive. Lots fronting Buena Vista Pike will not have curb cuts along that arterial. Instead, they will get their access from an alley located at the rear of the property that connects to Creekside Drive and Vista Drive. The rear access alleys will also improve the streetscape along Buena Vista Pike by placing automobiles in the rear yards of homes facing the street.

Staff recommends conditional approval of the preliminary plat with the following conditions:

A sidewalk along the frontage of Buena Vista Pike.

The alley north of Creekside Drive be constructed to the northern boundary to allow for future extension should more properties along Buena Vista Pike be subdivided in the future.

Construct Vista Drive and the sidewalk on its eastern margin to the property line on the northern boundary (tax map 49, parcel 138.01). This will ensure a pedestrian path exists to connect the sidewalk system within the subdivision to the future greenway trail.

Identify the general location of the greenway trail on the plat with a minimum trail width of 10 feet. In addition, identify graphically with text the trail as a "Public Access Trail: Future Greenway" on the plat.

Also, add a note to the plat stating that a public access trail is planned to be constructed in the future along Whites Creek by Metro Government.

Construct a pedestrian walkway to ADA standards with a minimum width of 5 feet in the landscape buffer yard on the northern boundary of the property, adjacent to lot 16. The walkway must extend from Vista Drive to the rear property line of lot 16. At such time as the greenway is constructed in the future, Metro would connect this pedestrian walkway to the greenway along Whites Creek.

Mr. Mr. John Raffery, spoke in opposition to the proposal and expressed concerns regarding the inconsistency of this development compared to the surrounding homes, storm water management, population density, infrastructure, traffic, safety and property depreciation. He asked for disapproval or deferral and to leave the public hearing.

Mr. Willie Anderson, Mr. Josh Smith, Ms. Michelle Caratoo and three other gentlemen spoke in opposition to the proposal and stated approximately 40 to 50 neighbors had met last night and all were opposed to this proposal and expressed concerns regarding the size of the lots and homes, and the property owners difficulty with resale of the homes in the future. They expressed concerns regarding traffic, safety, school overcrowding, property values going down, pollution to the river and flooding.

Mr. Steve Neighbors, representing Affordable Housing, spoke in favor to the proposal and asked for approval.

Mr. Lloyd Townsend spoke in opposition to the proposal and reiterated the concerns previously mentioned.

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

Mr. McLean stated if the density were taken away from this project it would not be feasible for affordable housing.

Mr. Clifton asked what the Commission was required to look at on this proposal.

Mr. Bernhardt stated they were looking at the compliance of regulations, the clustering plan accounting for the required open space and the Storm Water Management Regulations.

Mr. Clifton stated from what he had heard and staff recommended this plan was in compliance.

Mr. Cochran stated he was all for affordable housing but here is a neighborhood with large lots and you stick these small lots in the middle. There are other places for affordable housing in the inner city. We should tear down rundown neighborhoods and rebuild them. The developer has met all requirements, but he still didn't like the plan in this neighborhood.

Chairman Lawson stated that even though the developer has met all the requirements for storm water management as this area develops the storm water problem will only get worse.

Councilmember Ponder moved and Mr. Clifton seconded the motion, which carried with Mr. Cochran in opposition, to approve the following resolution:

Resolution No 2001-338

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-180U-03, is APPROVED WITH CONDITIONS AND A VARIANCE TO SECTION 2-7.5 OF THE SUBDIVISION REGULATIONS FOR A 75' GREEN SPACE EASEMENT AT EDGE OF GREENWAY (9-0)."

FINAL PLAT SUBDIVISIONS

26. 2000S-045G-14

Hermitage Hills, Section 7, Resubdivision of
Lot 852 and Reserve Parcel 36
Map 74-12, Parcels 35 and 36
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to reconfigure one lot and a reserve parcel into two lots abutting the northwest margin of Bonnalawn Drive, approximately 95 feet southwest of Jacksonian Drive (.53 acres), classified within the RS10 district, requested by Kenneth W. Willoughby, owner/developer, Campbell, McRae and Associates Surveying, Inc., surveyor.

Ms. Regen stated staff recommends approval subject to a variance for non-radial lot line.

This request is for final plat approval to reconfigure one lot and a reserve parcel into two lots abutting the northwest margin of Bonnalawn Drive, approximately 95 feet southwest of Jacksonian Drive. When the Hermitage Hills plat was originally recorded in 1962, parcel 36 was identified as a reserve parcel. Reserve parcels were created in the past with the anticipation that the subdivision would continue in the future, hence, the reserve parcel would become larger when land area was added. In the intervening 40 years, nothing has occurred on the adjoining property (parcel 52).

The reserve parcel contains 11,384 square feet which exceeds the RS10 district's minimum lot size of 10,000 square feet. A small house could be constructed on the property measuring 42 feet by 24 feet with a footprint of 1,050 square feet. The street setback from Bonnalawn Drive will be 41 feet, matching the adjacent home on parcel 35. Previously, the Planning Commission approved converting this reserve parcel into a single-family lot in 1989 (89S-138U), however, that approval expired on July 20, 1991.

Staff recommends approval of this final plat subject to a variance for a non-radial lot line since the parcel is triangular. The proposed lot lines are not drawn perpendicular to the existing street as required by the Subdivision Regulations. Lot lines may be drawn differently if the resulting line variation results in a better street or lot plan, as it does in this case.

No one was present to speak at the public hearing.

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

Resolution No. 2001-339

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-045G-14, is **APPROVED WITH VARIANCE TO SECTION 2-4.2 OF THE SUBDIVISION REGULATIONS FOR A NON-RADIAL LOT LINE (9-0)."**

PLANNED UNIT DEVELOPMENTS (revisions)

43. 28-79-G-13

Cambridge Forest
Map 149, Part of Parcel 371
Subarea 13 (1996)
District 28 (Alexander)

A request to revise the preliminary plan for undeveloped phases (4, 5, 6, 7, and 10) of the Residential Planned Unit Development District located abutting the west terminus of Bridgecrest Drive (47.4 acres), classified within the R15 district, to permit the redesign of lots, and project phasing to permit 144 single-family lots where 149 single-family lots were approved, requested by DBS and Associates, appellant, for Danco Development Company, owner.

Mr. Leeman stated staff recommends conditional approval with a variance to section 2-4.2D of the Subdivision Regulations limiting the maximum lot size.

This request is to revise a portion of the preliminary PUD plan, including variances for lot size, for Phases 4, 5, 6, 7, and 10 to permit 144 single-family lots, replacing 149 single-family lots. This plan includes two large lots (lots 194 and 195) that are 2.56 and 1.95 acres, exceeding the R15 base zoning district's maximum lot size of 45,000 square feet (3 times the base zoning district). This proposal also revises several of the phasing lines. The five lots that are being eliminated are in the same area as where the two large lots are proposed. The applicant has indicated the severe topographical conditions on a portion of this site would result in peculiar and exceptional practical difficulties in developing this portion of the site. Furthermore, the portion behind these two lots will remain permanent open space. Staff would not support any future development on this portion of the property.

Staff recommends conditional approval with a variance to the Subdivision Regulations for maximum lot size since it will reduce the amount of grading and the number of homes to be built on the property with slopes of 20% to 30%. The plan proposes a private driveway from the end of the cul-de-sac on the eastern side of the property, which will require the Department of Public Works to review and approve the critical lot plan at the building permit stage. Staff recommends conditional approval with variances for lot size due to the steep topography, and since the plan is consistent with the council approved plan.

No one was present to speak at the public hearing.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-340

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G-13 is given **APPROVAL OF REVISION TO PRELIMINARY PUD PLAN WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS FOR MAXIMUM LOT SIZE (9-0)** The following conditions apply:

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

Prior to the issuance of any building permits, a final plat shall be recorded and bonds shall be posted for all necessary public improvements, including construction of roads and extension of utilities."

MANDATORY REFERRALS

52. 2001M-063U-03

Closure of Alley 1088

Map 60-13, Parcels 4 and 9-26

Map 60-14, Parcels 3, 5, 6, and 7

Subarea 3 (1998)

District 2 (Black)

A request to close Alley #1088 from Brick Church Pike to its terminus located north of Haynie Avenue, requested by Mark Carver of Sherrard & Roe PLC for Budig Realty, LLC. (Easements are to be abandoned).

Ms. Regen stated staff recommends approval subject to the submission of the signature to abandon the alley by the abutting property owner located at parcel 72, Tax Map 60

This request is to close Alley #1088 between Brick Church Pike and its terminus at tax map 60, parcel 72. All easements are to be abandoned. The alley is located at the rear of properties on the north margin of Haynie Avenue. This alley is not needed for traffic circulation or other services. All of the abutting property owners, except one, has signed the application to close this alley. None of those owners will be landlocked by the proposed closure. One remaining signature is needed from the property owner of tax map 60, parcel 72. That property is owned by P.H.P. Ministries, Inc. Trustee. Staff contacted Rev. Stout who is a representative of P.H.P. Ministries and he indicated a willingness to sign the application. Staff recommends approval subject to the applicant getting the owner's signature of parcel 72, prior to the Planning Commission meeting.

No one was present to speak at the public hearing.

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

Resolution No. 2001-341

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-063U-03 is **APPROVED (9-0).**"

OTHER BUSINESS

57. Draft Redistricting Plan

Ms. Nielson stated for the record that staff has done excellent job.

58. Legislative Update

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:05 p.m.

Chairman

Secretary

Minute Approval:
This 16th day of August 2001

