

**MINUTES  
OF THE  
METROPOLITAN PLANNING COMMISSION**

Date: July 25, 2002  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

Douglas Small, Vice Chairman  
Stewart Clifton  
Tonya Jones  
James McLean  
Ann Nielson  
Councilmember John Summers

**Absent:**

Mayor Bill Purcell  
James Lawson, Chairman  
Judy Cummings

**Staff Present:**

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

**Others Present:**

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

**RECOGNITION OF COUNCILMEMBERS**

Councilmember J. B. Loring spoke in favor of item 15. 2002Z-078U-14.

Councilmember Bruce Stanley updated the Commission on the community's reaction at a meeting regarding item 3. 2002Z-063G-14 and item 4 155-74-G-14, Larchwood Commercial, and stated he would not be in favor of the zone change.

Councilmember Jim Shulman stated he had learned since arriving at the meeting that item 21. 2002S-158U-10 Glen Echo, Resubdivision of Lot 27 was on the consent, and that he was in favor of that proposal.

Councilmember Ronnie Greer spoke in favor of item 10. 2002Z-073U-10.

Vice Chairman Small called the meeting to order at 2:50

#### **ADOPTION OF AGENDA**

Staff announced the following changes to the agenda:

10. 2002Z-073U-10, change acreage to .52

16. Ad parcels 168-172, and change acreage to 12.54

Move items 1-4, 10, 16 and 17 to front of agenda, then revert back to normal order.

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

#### **APPROVAL OF MINUTES**

Ms. Nielson moved and Mr. Clifton seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of July 11, 2002.

#### **RECOGNITION OF COUNCILMEMBERS**

Councilmember McCleandon asked for a deferral on item 5. 2002Z-06uU-11, or disapproval. She also asked the Commission to approve items 16. 2000Z-087U-111 and 17. 116-83-U-11 as an amendment.

#### **PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS**

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

3. 2002Z-063G-14           Deferred indefinitely

4. 155-78-G-14           Deferred indefinitely

Mr. Tom White, representing the applicant of items 7. 2002Z-070G-12 and 8. 2002Z-071G-13, spoke in opposition to deferral because they have been advertised for public hearing, several people are hear for that public hearing, and he wants the matters heard today. Once staff recommendation has gone out it is not to be changed. These zoning conditions were reviewed and approved with conditions by staff.

Mr. Roy Dale agreed with Mr. White and stated item 12. 2002Z-075G-12 is presently an approved recommended item with conditions. This has never been done before, and Council cannot consider those conditions.

Mr. Mike Anderson stated item 9. 2002Z-072G-12 is a similar situation recommended for approval with conditions. We have accepted those conditions and then got a call about this deferral. The client has accepted those conditions, and he asked Commission to proceed to take action.

Mr. McLean moved and Mr. Clifton seconded the motion, which carried unanimously, to leave items 7, 8, 9, and 12 on the agenda and close the public hearing.

**PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

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

**ZONING MAP AMENDMENTS**

- 1. 2002Z-011G-04**  
 Council Bill No. BL2002-965  
 Map 042-11, Parcel(s) 81, 82  
 Subarea 4 (1998)  
 District 3 (Nollner)

A council bill to rezone from RS20 district to RM4 district properties at Old Hickory Boulevard (unnumbered), abutting the southern terminus of Heritage Drive, (3.6 acres), requested by Gary Keckley of Goodworks Unlimited LLC, appellant, for Earl Pate Sr. and Earl Pate Jr., owners. (See also PUD Proposal No. 2002P-004G-04).

Project No. Zone Change 2002Z-011G-04  
**Associated Case** Planned Unit Development 2002P-004G-04 Madison Residential care Facility  
**Council Bill** N/A  
**Deferral** Deferred at the February 14, 2002 Planning Commission meeting to allow the applicant, the councilmember, and the community to meet.  
**Staff Recommendation** *Approve.*

APPLICANT REQUEST Rezone 3.6 acres from Residential (RS20) to Residential Multi-Family (RM4)

**Existing Zoning**  
 RS20 zoning RS20 is intended for single-family residential at 1.85 units per acre.  
**Proposed Zoning**  
 RM4 zoning RM4 is intended for multi-family residential at 4 units per acre.

SUBAREA 4 PLAN

**Policy**  
 Residential Low (RL) RL policy permits 1 to 2 units per acre.

Policy Conflict No. Although the RL policy calls for 1 to 2 units per acre, this area along Old Hickory Boulevard has an emerging pattern of residential growth with a higher density than called for with the RL policy. Adjacent to this property is the Hickory Chase PUD and to the north is the Heritage House Apartments.

**Resolution No. 2002-277**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-011G-04 is **APPROVED (6-0) with conditions:**

**The proposed RM4 district and associated Planned Unit Development are consistent with the emerging pattern of residential growth with higher density than what is called for within the Residential Low (RL) policy, including the Hickory Chase PUD to the east and the Heritage House Apartments to the north."**

**2. 2002P-004G-04**  
Madison Residential Care Facility  
Map 42-11, Parcel(s) 81 & 82  
Subarea 4 (1998)  
District 3 (Nollner)

A request for preliminary approval for a Planned Unit Development District located abutting the south margin of Old Hickory Boulevard, 215 feet east of Beverly Drive, classified RS20 and proposed for RM4 district, (3.59 acres), to permit a 16,443 square foot assisted-living facility, requested by Goodworks Unlimited, LLC for Earl Pate, owner. (See Zone Change proposal No. 2002Z-011G-04).

**Project No.**        **Planned Unit Development 2002P-004G-04**  
**Project Name**    Madison Residential Care Facility  
**Council Bill**     None  
**Associated Cases**        2002Z-011G-04  
**Staff Recommendation**   *Approve with conditions.*

APPLICANT REQUEST

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

Preliminary PUD request for a 42 bedroom residential care facility with future development of 16 bedrooms on 3.59 acres at a density of an additional 16 bedrooms per acre, which is equivalent to 4 units per acre as per Section 17.04.060 of the Metro Zoning Regulations.

**Existing Zoning**

RS20    RS20 is intended for single-family residential at 1.85 units per acre.

The applicant has submitted a request to change the zoning from residential (RS20) to residential multi-family (RM4), which would allow the development of a residential care facility.

**PLAN DETAILS**

The proposed plan is for a 42 bedroom residential care facility with a future development of another 16 bedrooms. The development is to be accessed by a main driveway. The applicant is providing the required 14 parking spaces with an additional 6 spaces for the future development.

In addition to the required landscaping and drainage details, the applicant is also proposing a mulch surfaced walking trail along the perimeter of the site with a shared access point to the adjacent Hickory Chase PUD.

**TRAFFIC**

Old Hickory Boulevard at this location is a five-lane section with sidewalks on both sides of the road. This portion of Old Hickory Boulevard is planned as a scenic arterial road with six (6) lanes.

Based on typical a residential care use in RM4 zoning, approximately 2 to 6 trips per day could be generated by this use (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's Findings Approve.**

**Resolution No. 2002-278**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-004G-04 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (6-0)** The following conditions apply:

1. Approval of this preliminary PUD plan and associated zone change (2002Z-011G-04) by the Metropolitan Council.
2. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Metro Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
5. 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.
6. 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.
7. Prior to the issuance of any building permits, a final plat must be recorded, including any necessary bonds for public improvements."

**6. 2002Z-069U-11**  
 Map 105-04, Parcel(s) 60  
 Subarea 11 (1999)  
 District 19 (Wallace)

A request to change from IWD district to CS district property at 145 Lafayette Street, at the intersection of Lewis Street and Lafayette Street, (0.36 acres), requested by Howard and Gi Soon Seibel, appellants/owners.

Project No. Zone Change 2002Z-069U-11

**Council Bill** None.

**Associated Cases** None.

**Staff Recommendation** *Approve. CS zoning implements Subarea 11 Plan's commercial arterial existing (CAE) policy.*

**APPLICANT REQUEST Rezone 0.36 acres from Industrial Warehousing/ Distribution (IWD) to Commercial Services (CS).**

**Existing Zoning**

IWD zoning IWD is intended for a wide range of warehousing, wholesaling, and bulk distribution.

**Proposed Zoning**

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

**SUBAREA 11 PLAN**

**Policy**

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

**Policy Conflict** None. The Subarea 11 Plan defines this area south of Lafayette Street, between Wharf Avenue and Lewis Street CAE policy. The policy states: "CAE policy is applied in recognition of existing commercial uses and to encourage new microenterprise and small business startups."

**RECENT REZONINGS** None.

**TRAFFIC** Based on typical uses in CS zoning, with on site parking allowing 10,000 sq. ft. of development per acre, such as automobile sales, apparel store, and fast-food restaurant, approximately 76 to 1,786 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Metro Traffic Engineer's**

Findings **Approve.**

**Resolution No. 2002-279**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-069U-11 is **APPROVED (6-0)**:

**The proposed CS district is consistent with the Subarea 11 Plan's Commercial Arterial Existing (CAE) policy recognizing areas with existing commercial strips along arterial streets. "CAE is applied in recognition of existing commercial uses and to encourage new micro-enterprise and small business startups."**

**11. 2002Z-074U-12**

Map 147-00, Parcel(s) 17; Map 147-04, Parcel(s) 182

Subarea 12 (1997)

District 26 (Arriola)

A request to change from RM20 and R6 districts to OL district property at Wallace Road (unnumbered) and Harding Place (unnumbered), abutting the southern margin of Harding Place, (3.8 acres), requested by Larry Alexander of CESP, Inc., appellant, for HCA Realty, Inc., owner.

Project No. Zone Change 2002Z-074U-12

**Council Bill** N/A

**Associated Cases** Subdivision 2001S-343U-12 Wallace Road

**Mandatory Referral 2002M-018U-12 Southern Hills Medical Sign Encroachment**

**Staff Recommendation** *Approve. OL zoning implements the Subarea 12 Plan's Office Concentration (OC) policy.*

**APPLICANT REQUEST** Rezone 3.8 acres from Residential (RM20 and R6) to Office Limited (OL)

**Existing Zoning**

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

R6 zoning R6 zoning is intended for single-family homes and duplexes at 6.2 units per acre.

**Proposed Zoning**

OL zoning OL zoning is intended for moderately intense office uses.

**SUBAREA 12 PLAN**

**Policy**

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

**Policy Conflict** None. OL district is consistent with the intent of the Subarea 12 Plan’s OC policy. This property is situated between an apartment complex and a strip mall area east and west, and the Southern Hills Medical Facility and other OL zoned property north and south.

**RECENT REZONINGS** None.

**TRAFFIC** Based on typical uses in OL zoning, with on site parking 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as medical-dental office, Office Park, and General Office approximately 418 to 1,373 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer’s**

**Recommendation** Approve.

**Resolution No. 2002-280**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-074U-12 **APPROVED (6-0)**:

**The proposed OL district is consistent with the Subarea 12 Plan’s Office Concentration (OC) policy calling for office uses in areas with good accessibility to major roads. It is also consistent with the emerging zoning pattern in the area.”**

**PRELIMINARY PLAT SUBDIVISIONS**

**19. 2001S-251G-04**  
WARREN PLACE  
Map 034, Parcel(s) 079  
Subarea 4 (1998)  
District 11 (Brown)

A request for preliminary approval for 8 lots abutting the north margin of Warren Drive, (3.16 acres), classified within the R10 and R15 districts, requested by Richard Murry, owner/developer, L. Steven Bridges, Jr., surveyor.

Project No. Subdivision 2001S-251G-04

**Project Name** Warren Place

**Associated Cases** Subdivision 2001S-347G-04 A.E. Williams

**Staff Recommendation** Approve.

**APPLICANT REQUEST**

Preliminary Plat     Preliminary & Final Plat     Final Plat

Subdivide 3.16 acres into eight (8) lots using the cluster lot option, at a proposed density of 2.53 units per acre.

**ZONING**

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

R15 district requiring a minimum lot size of 15,000 square feet.

**CLUSTER LOT** Applicant proposes to reduce lots two (2) base zoning districts, from R15 (minimum 15,000 sq. ft. lot) to R8 (minimum 8,000 sq. ft. lot). The proposed lots range in size from 10,002 sq. ft. to 13,902 sq. ft.

The applicant's data shows 0.46 acres (15%) of open space, which complies with the Zoning Regulations' minimum of 15% of the site to be open space.

**SUBDIVISION VARIANCES** None.

**TRAFFIC ENGINEER'S FINDINGS** Approve.

**Resolution No. 2002-281**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-251G-04, is **APPROVED (6-0).**"

**21. 2002S-158U-10**  
GLEN ECHO, Resubdivision of Lot 27  
Map 117-15, Parcel(s) 026  
Subarea 10 (1994)  
District 25 (Shulman)

A request for a sidewalk variance along Glen Echo Road, abutting the north margin of Glen Echo Road, approximately 523 feet east of Hillmont Drive, (.93 acres), classified within the R10 district, requested by Gregory Perrone, Trustee, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Project No. Subdivision 2002S-158U-10  
Project Name Glen Echo, Resubdivision of Lot 27  
**Associated Cases** Yes, this case was previously considered and approved subject to sidewalk construction by the Planning Commission on June 13, 2002.  
**Staff Recommendation** *Approve the sidewalk variance on Glen Echo Road.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

A sidewalk variance along property's frontage on Glen Echo Road.

**ZONING**      **R10 district requiring minimum lot size of 10,000 sq. ft.**

**VARIANCE TO SUBDIVISION REGULATIONS**

**Sidewalks** Sidewalk required along the frontage on Glen Echo  
(Section 2-6.1) Road.

Since the June 13, 2002 meeting of the Planning Commission, the applicant has performed in-depth topographical survey to prepare for the installation of the required sidewalk. They have performed a study indicating that neighboring properties would be impacted by water run-off due to the installation of this sidewalk, curb and gutter.

In order to construct the sidewalk to Public Works standards, an underground storm drainage pipe would be required along the frontage of the property. This pipe would collect water from the roadside ditch to the west and convey the water along the frontage, and finally discharge it onto the neighboring property to the east. The properties downstream to the east do not have culverts under the driveways. This lack of a culvert would essentially act as a dam causing the discharged water to flood the downstream yards.



Recommendation Approve. The requirement of the sidewalk, curb and gutter would cause injury to neighboring property. Councilman Shulman has requested that Glen Echo be targeted for sidewalk improvements in connection with the Mayor's Capitol Improvement Program and has indicated that preliminary studies place the sidewalk on the opposite side of Glen Echo Road. It would be inefficient to require a small portion of sidewalk on this side of the street when initial efforts are being made to place a new sidewalk on the entire length of the other side.

**Resolution No. 2002-282**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-158U-10, is **APPROVED (6-0).**"

**FINAL PLAT SUBDIVISIONS**

**23. 2002S-194U-13**  
CLARE NORRIS LOTS  
Map 135, Parcel(s) 039  
Subarea 13 (1996)  
District 27 (Sontany)

A request for administrative final plat approval to subdivide one parcel into two lots abutting the east margin of Franklin Limestone Road, approximately 2,325 feet north of Mullen Drive, (2.3 acres), classified within the R40 district, requested by Stephen and Clare Norris, owners/developers, Tommy E. Walker, surveyor.

Project Name Clare Norris Lots

Associated Cases None.

Staff Recommendation *Approve with conditions subject to a variance for flag-shaped lot and a revised final plat prior to recordation.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 2.302 acres into two (2) lots.

**ZONING**      **R40 district requiring minimum lot size of 40,000 sq. ft.**

**SUBDIVISION DETAILS**      A lot comparability study was not applicable for this application because this property is surrounded by property zoned AR2a.

**SUBDIVISION VARIANCES**

**Frontage** (Section 2-4.2A)      Flag lots are generally not permitted.

Recommendation Approve. The development pattern in the area already consists of irregular shaped parcels. The front of the lot has already been developed with a house, detached garage and a barn. The property drops from an elevation of 615 feet at the street frontage to 540 feet at the rear property line. This translates to a slope of approximately 15 percent.

Dividing this lot into 2 lots of equal width would involve removing an existing structure and would severely limit the type of house that could be constructed (i.e. a long, narrow house). It would also require a variance for the depth to width ratio. The proposed scenario creates a better building envelope in which to place a house than would be created by dividing the parcel into two equal halves.

**TRAFFIC ENGINEER'S FINDINGS** Approve.

**CONDITIONS** The following notes need to be added prior to final plat recordation:  
The owner of lot 1 is responsible for the operation and maintenance of the existing private sanitary sewer service line located in a 10-foot private sanitary sewer service line easement crossing a portion of lot 2 as indicated on this plat.  
The water meter box for lot 2 must be placed at the right of way within the boundary of lot 2 out of the traffic pattern.  
Franklin Limestone Road needs to be spelled correctly.

**Resolution No. 2002-283**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-194U-13 is **APPROVED WITH CONDITIONS SUBJECT TO A VARIANCE FOR FLAG-SHAPED LOT. (6-0):**

Staff recommends approval of the final plat subject to a revised plat being submitted prior to recording, showing the following:

1. The owner of lot 1 is responsible for the operation and maintenance of the existing private sanitary sewer service line located in a 10-foot private sanitary sewer service line easement crossing a portion of lot 2 as indicated on this plat.
2. The water meter box for lot 2 must be placed at the right of way within the boundary of lot 2 out of the traffic pattern.
3. Franklin Limestone Road needs to be spelled correctly.”

**PLANNED UNIT DEVELOPMENTS (revisions)**

**24. 91-71-G-14**  
Hermitage Plaza (Blockbuster Video)  
Map 64-16, Parcel(s) Part of 1  
Subarea 14 (1996)  
District 11 (Brown)

A request to revise a portion of the preliminary and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Lebanon Pike and the west margin of Andrew Jackson Parkway, classified SCR, (.86 acres), to develop a 6,500 square foot retail/restaurant store, replacing a 6,500 square foot retail store, requested by Barge, Cauthen and Associates, Inc., for MRW Retail Joint Venture, owner.

**Project No.** Planned Unit Development 91-71-G-14  
**Project Name** Hermitage Plaza (Blockbuster Video)  
Council Bill N/A  
Associated Cases N/A

**Staff Recommendation** *Approve with conditions, subject to a final plat and subject to sewer capacity being purchased prior to the Planning Commission meeting.*

**APPLICANT REQUEST**

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

Request to revise a portion of the preliminary plan and for final approval for a portion to allow a 6,500 square foot retail/restaurant store with a 5,000 square foot Blockbuster Video store and a 1,500 square foot Papa John's take-out pizza store, where the preliminary plan was approved for a 6,500 square foot retail store only.

**Existing Zoning**

SCR/Commercial PUD Preliminary PUD plan was amended by the Metro Council in April 2002 to include a 6,500 square foot retail store. The plan moved the existing Blockbuster Video store to the east to allow for the new Super Wal-Mart store within the same PUD.

**SUBAREA 14 PLAN** Plan is also consistent with the Subarea 14 Plan's Retail Concentration Super Community (RCS) policy calling for a wide variety of commercial uses, including retail, restaurant, entertainment, and consumer services.

**PLAN DETAILS** The proposed plan is consistent with the layout and design of the plan approved by the Metro Council in April 2002. The addition of the restaurant use is permitted under the SCR base zoning, and PUD, since this plan has previously been approved for restaurant uses.

**Signage** The preliminary PUD plan included a condition to address the visual impact between this property and the Hermitage, a national historic site. The Historic Commission staff has determined that the revisions to the PUD will not be visible from the public areas on the Hermitage grounds and therefore would have no negative impact.

**Resolution No. 2002-284**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 91-71-G-14 is **APPROVED WITH CONDITIONS (6-0).**”

**26. 88-85-P-06**  
West Park  
Map 114, Parcel(s) 261-263  
Subarea 6 (1996)  
District 23 (Bogen)

A request for final approval for the Residential Planned Unit Development District located abutting the south margin of Charlotte Pike, north of I-40, classified within the R15 district, (40 acres), to permit the development of 147 multi family units, requested by Ragan-Smith Associates, for A.K.M. Fakhruddin et al, owners.

Project No. Planned Unit Development 88-85-P-06

**Project Name** West Park, Phase 1 and 2

Council Bill N/A

Associated Cases N/A

**Staff Recommendation** *Approve with conditions, subject to a final plat that includes bonds for off-site road improvements and any necessary public improvements.*

**APPLICANT REQUEST**

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

Request for final PUD plan approval to allow 44 townhomes in Phase 1 and 52 townhomes in Phase 2, where 147 townhomes were approved in three phases on the preliminary plan.

**Existing Zoning**

R15/Res. PUD Preliminary PUD was approved in 1985 for 240 townhomes, and revised by the Planning Commission on June 27, 2002 to reduce the number of units to 147 townhomes. Plan is grandfathered to permit townhomes within the R15 district, a single-family and duplex district.

**PLAN DETAILS** This plan is for final approval for 96 townhomes in two phases, where 147 overall units are approved in three phases. This plan is consistent with the preliminary plan.

**TRAFFIC/CONDITIONS**

**Traffic Engineer’s**

**Findings** Approve with conditions.

Prior to the issuance of any Use and Occupancy permits for the 30<sup>th</sup> unit, the developer/owner needs to construct a westbound left-turn lane into the project entrance on Charlotte Pike.

Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike needs to be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD’s Landscaping Plan.

Bonds need to be posted for sidewalks, turn-lane, and landscaping with the final plat.

**Resolution No. 2002-285**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88-85-P-06 is given **CONDITIONAL FINAL PUD APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements, including the required turn lane in condition #3 below. Construction plans for the turn lane shall be submitted and approved at the time of the final plat.
3. Prior to the issuance of any Use and Occupancy permits for the 30<sup>th</sup> unit of the development, the developer/owner shall construct a westbound left-turn lane into the project entrance on Charlotte Pike, including 100 feet of storage capacity with a taper to AASHTO standards.
4. Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike shall be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD’s Landscaping Plan.
5. Prior to or in conjunction with the submittal of any final plat, the Harpeth Valley Utility District shall have approved the final PUD plans.”

**MANDATORY REFERRALS**

**27. 2002M-069U-09**  
Hermitage Hotel Canopy Encroachment  
Map 93-06-1, Parcel(s) 003  
Subarea 9 (1997)  
District 19 (Wallace)

A request to construct a rigid canopy measuring 16 feet in length by 12 feet in height, including support struts, projecting 14 feet over the public sidewalk at 9 feet above the public sidewalk, including a request to construct canopy downspouts to extend from the canopy along the face of the building and into and

under the public sidewalk, for the 'Hermitage Hotel', requested by R.C. Mathews Contractor, LLC, appellant, for Historic Hotels of Nashville, LLC, owner.

Project No. Mandatory Referral 2002M-069U-09  
**Project Name** Hermitage Hotel Canopy Aerial and Ground Encroachment  
**Council Bill** No  
**Staff Recommendation** Approval

**APPLICANT REQUEST**

Aerial and ground encroachment to construct a canopy over and downspouts into the public right-of-way of 6<sup>th</sup> Avenue. Canopy will measure 16 feet in length and project 14 feet over the sidewalk, with a clearance height of 9 feet above the sidewalk. Downspouts will extend from the canopy, down the face of the building, and into and under the sidewalk.

**APPLICATION REQUIREMENTS**

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

**Insurance Certificate** Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 aggregate coverage, as required by Metro Legal.

**Property Owner Sign Application** Contractor, R.C. Mathews Contractor, LLC made application for Historic Hotels of Nashville, owner.

**Tenant Sign Application** Owner and tenant one in the same.

**DEPARTMENT AND AGENCY**

**RECOMMENDATIONS** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-286**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-069U-09 is **APPROVED (6-0)**."

**28. 2002M-071U-13**  
Clearwater Drive Stormwater Easement Acquisitions  
Map 150-01, Parcel(s) 228  
Subarea 13 (1996)  
District 29 (Holloway)

A request to acquire a 10-foot permanent public utility and drainage easement on various properties along Clearwater Drive for construction of a stormwater drainage system for Project No. 02-SW-14 (Capital Improvement No. 02DG0036), as requested by Metro Department of Water Services.

Project No. Mandatory Referral 2002M-071U-13  
**Project Name** Clearwater Drive Easement Acquisition  
**Water & Sewerage Services Project** No. 02-SW-14  
**Staff Recommendation** Conditional Approval

**APPLICATION REQUEST** Request to acquire 10-foot stormwater easement (public utility and drainage easement) on various properties along Clearwater Drive for Water Services Project No. 02-SW-14 for construction of a stormwater drainage system.

**APPLICATION REQUIREMENTS** None.

**DEPARTMENT AND AGENCY**  
**COMMENTS** None.

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

**Resolution No. 2002-287**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002M-071U-13 is **APPROVED (6-0).**"

**29. 2002M-072U-03**  
LaGrange Drive Stormwater Easement Acquisition  
Map 80-08, Parcel(s) 396, 164  
Subarea 3 (1998)  
District 2 (Black)

A request to acquire a 10-foot permanent public utility and drainage easement on various properties along LaGrange Drive for construction of a stormwater drainage system for Project No. 02-SW-10 (Capital Improvement No. 02DG0036), as requested by Metro Department of Water Services.

Project No. Mandatory Referral 2002M-072U-03  
**Project Name** LaGrange Drive Easement Acquisition  
**Water & Sewerage Services Project** No. 02-SW-10  
**Staff Recommendation** *Conditional Approval*

**APPLICATION REQUEST** Request to acquire 10-foot stormwater easement (public utility and drainage easement) on various properties along LaGrange Drive for Water Services Project No. 02-SW-10 for construction of a stormwater drainage system.

**APPLICATION**  
**REQUIREMENTS** None.

**DEPARTMENT AND AGENCY**  
**COMMENTS** None.

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

**Resolution No. 2002-288**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-072U-03 is **APPROVED (6-0).**"

**30. 2002M-073U-09**  
401 12th Avenue South Awning  
Map 93-13, Parcel(s) 105  
Subarea 9 (1997)  
District 19 (Wallace)

A request to install an awning measuring 12 feet in length projecting 5 feet over the public sidewalk at 11 feet above the public sidewalk, located at 401 12th Avenue South, requested by Armistead & Barkley, Inc., appellant, for C. Mark Carver, Trustee, owner.

Project No. Mandatory Referral 2002M-073U-09  
**Project Name** 401 12<sup>th</sup> Avenue South Canopy Aerial Encroachment  
**Council Bill** No  
**Staff Recommendation** Approval

APPLICANT REQUEST

Aerial encroachment to construct a canopy over the public right-of-way of Pine Street. Property located on the southwest corner of 12<sup>th</sup> Avenue South and Pine Street. Canopy will measure 12 feet in length and project 5 feet over the sidewalk, with a clearance height of 11 feet above the sidewalk.

APPLICATION REQUIREMENTS

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

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

**Property Owner Sign Application** Yes.

**Tenant Sign Application** N/A. Tenant, if any, not known at time of application.

DEPARTMENT AND AGENCY

**RECOMMENDATIONS**All reviewing departments and agencies recommend approval.

**Resolution No. 2002-289**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-073U-09 is **APPROVED (6-0).**"

**31. 2002M-074U-05**  
Gallatin Avenue Drainage Easement Abandonment  
Map 72-14, Parcel(s) 31  
Subarea 5 (1994)  
District 7 (Campbell)

A request to abandon an existing public utility and drainage easement within a portion of a previously closed right-of-way (Alley 1022), for Project No. 02-SG-92, located on the site of the CVS Pharmacy at 2516 Gallatin Pike, requested by the Metro Department of Water Services.

Project No. Mandatory Referral 2002M-074U-05  
**Project Name** CVS Pharmacy Easement Abandonment  
**Water & Sewerage Services Project** No. 02-SG-92  
**Staff Recommendation** Conditional Approval

APPLICATION REQUEST **Request for public utility and drainage easement abandonment within former Alley 1022 for Water Services Project No. 02-SG-92 located on the CVS Pharmacy site at 2516 Gallatin Pike.**

Easements were retained when a portion of alley 1022 was abandoned (closed) by Council Bill BL65-720.

APPLICATION REQUIREMENTS **None.**

**DEPARTMENT AND AGENCY**

**COMMENTS** None.

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

**Resolution No. 2002-290**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-074U-05 is **APPROVED (6-0).**"

**32. 2002M-075U-12**

Council Bill No. BL2002-1131

Lease Agreement between Metro Government and State of Tennessee for Public Park

Map 147-00, Parcel(s)

Subarea 12 (1997)

District 32 (Jenkins)

An ordinance authorizing the Metro Board of Parks and Recreation to enter into a lease agreement with the State of Tennessee for reinstatement of the lease for the William D. Whitfield Park and the addition of a 4-acre portion of property located at the Ellington Agricultural Center on Edmondson Pike for use as a public park, requested by the Director of the Metro Board of Parks and Recreation.

Project No. Mandatory Referral 2002M-075U-12

**Project Name** Ellington Agricultural Center / William Whitfield Park Lease Agreement

**Council Bill** BL2002-1131

**Staff Recommendation** *Conditional Approval*

**APPLICATION REQUEST** Ordinance authorizing Metro Board of Parks and Recreation to enter into lease agreement with State of Tennessee.

Lease agreement will reinstate an old lease for the current William D. Whitfield Park and allow for the addition of a 4-acre portion of the Ellington Agricultural Center into the park.

**Lease Agreement Submitted** Yes.

**APPLICATION**

**REQUIREMENTS** None.

**DEPARTMENT AND AGENCY**

**COMMENTS** None.

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

**Resolution No. 2002-291**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-075U-12 is **APPROVED (6-0).**"



**33. 2002M-076U-05**

Acquire Right-of-Way for Dickerson Road Sidewalk Improvement Project (No. 02-M-01)  
Map 71-7, Parcel(s) 124, 122, 121, 88, 59, 25; Map 71-3, Parcel(s) 127, 149, 126, 108, 107, 157, 99, 150, 97, 80, 79; Map 71-3, Parcel(s) 78, 77, 64, 63, 62  
Subarea 5 (1994)  
District 4 (Majors)

A request to acquire portions of various properties along Dickerson Road, from Trinity Lane to Alhambra Circle, by negotiation or condemnation for the Dickerson Road Sidewalk Improvements project (Project No. 02-M-01), requested by the Metro Department of Public Works.

Project No. Mandatory Referral 2002M-076U-05  
**Project Name Dickerson Road Sidewalk Improvements Right-of-Way Acquisition**  
**Water & Sewerage Services Project** No. 02-M-01  
**Staff Recommendation** *Conditional Approval*

APPLICATION REQUEST **Request to acquire portions of various properties along Dickerson Road, from East Trinity Lane to Alhambra Circle, by negotiation or condemnation, for the Dickerson Road Sidewalk Improvements Project.**

APPLICATION REQUIREMENTS **None.**

DEPARTMENT AND AGENCY COMMENTS **None.**

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

**Resolution No. 2002-292**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-076U-05 is **APPROVED (6-0).**"

**34. 2002M-077U-05**

Acquire Right-of-Way for Dickerson Road Sidewalk Improvement Project (No. 01-M-13)  
Map 71-15, Parcel(s) 493, 103, 489, 488, 90, 91, 93; Map 71-11, Parcel(s) 11, 42, 41, 40, 278, 39, 38, 36, 35, 16, 14, 11; Map 71-7, Parcel(s) 163, 160, 159, 158, 157  
Subarea 5 (1994)  
District 5 (Hall)

A request to acquire portions of various properties along Dickerson Road, from Douglas Avenue to Trinity Lane, by negotiation or condemnation for the Dickerson Road Sidewalk Improvements project (Project No. 01-M-13), requested by the Metro Department of Public Works.

Project No. Mandatory Referral 2002M-077U-05  
**Project Name Dickerson Road Sidewalk Improvements Right-of-Way Acquisition**  
**Water & Sewerage Services Project** No. 01-M-13  
**Staff Recommendation** *Conditional Approval*

APPLICATION REQUEST        **Request to acquire portions of various properties along Dickerson Road, from Douglas Avenue to East Trinity Lane, by negotiation or condemnation, for the Dickerson Road Sidewalk Improvements Project.**

APPLICATION REQUIREMENTS        **None.**

DEPARTMENT AND AGENCY COMMENTS        **None.**

**Resolution No. 2002-293**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-077U-05 is **APPROVED (6-0).**"

**35.        2002M-078U-05**  
Acquire Right-of-Way for Jones Avenue Sidewalk Improvement Project  
Map 71-16, Parcel(s) 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 28; Map 71-16, Parcel(s) 410, 409, 26, 25; Map 71-12, Parcel(s) 253, 252, 303, 250, 249, 248, 235  
Subarea 5 (1994)  
District 5 (Hall)

A request to acquire portions of various properties along Jones Avenue, from Douglas Avenue to Ward Street, by negotiation or condemnation for the Jones Avenue Sidewalk Improvements project (Project No. 01-R-05), requested by the Metro Department of Public Works.

Project No.        Mandatory Referral 2002M-078U-05  
**Project Name        Jones Avenue Sidewalk Improvements Right-of-Way Acquisition**  
**Water & Sewerage Services Project        No. 01-R-05**  
**Staff Recommendation        *Conditional Approval***

APPLICATION REQUEST        **Request to acquire portions of various properties along Jones Avenue, from Douglas Avenue to Ward Street, by negotiation or condemnation, for the Jones Avenue Sidewalk Improvement Project.**

APPLICATION REQUIREMENTS        **None.**

DEPARTMENT AND AGENCY COMMENTS        **None.**

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

**Resolution No. 2002-294**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-078U-05 is **APPROVED (6-0).**"

**36. 2002M-079U-08**

Council Bill No. BL2002-1115

MDHA / HUD Low-Rent Scattered Site Housing Program

Map 91-8, Parcel(s) 311, 331, 317-319; Map 92-9, Parcel(s) 40-50

Subarea 8 (1995)

District 21 (Whitmore)

Cooperation agreement between Metro Government and Metropolitan Development and Housing Agency (MDHA) to build 19 units of housing primarily as duplexes to be located on Agency owned property in the vicinity of the Preston Taylor Hope VI Redevelopment Project, as requested by MDHA.

Project No. Mandatory Referral 2002M-079U-08

**Project Name Agreement between Metro and MDHA for Low-Rent Scattered-Site Housing Program**

**Council Bill** BL2002-1115

**Staff Recommendation** *Conditional Approval*

**APPLICATION REQUEST Ordinance authorizing the development of 19 duplex housing units as continued implementation of a cooperation agreement between Metro Government and the Metropolitan Development and Housing Agency (MDHA) to develop up to 200 housing units, in accordance with Resolution R-92-288, adopted by Metro Council on June 16, 1992.**

The proposed housing units to be located primarily in the Preston Taylor Hope VI Redevelopment Project area.

**SUBAREA 8 PLAN The Subarea 8 Plan explicitly supports the revitalization and redevelopment of residential and business areas and the provision of lower income housing as provided by MDHA.**

**All proposed sites are consistent with the adopted Subarea 8 Community Structure Plan calling for Neighborhood General (NG) policy and are properly zoned for duplex housing. The NG policy is classified for areas predominantly residential in character and supports a mix of residential housing types.**

**Proposed sites located on Michigan Avenue and 40<sup>th</sup> Avenue North are located within close proximity to the W.H. Boyd Park.**

**DEPARTMENT AND AGENCY**

**COMMENTS** None.

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

**Resolution No. 2002-295**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-079U-08 is **APPROVED (6-0).**"

**OTHER BUSINESS**

37. Employee Contract for Michelle L. Kubant

**Resolution No. 2002-296**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Michelle L. Kubant for one year, from August 1, 2002 through July 31, 2003.

This concluded the items on the consent agenda.

**PUBLIC HEARING**

**ZONING MAP AMENDMENTS**

**10. 2002Z-073U-10**  
Map 105-10, Parcel(s) 228  
Subarea 10 (1994)  
District 17 (Greer)

A request to apply the Neighborhood Landmark Overlay district to property at 746 Benton Avenue, at the terminus of Grantland Avenue, (0.52 acres), requested by Councilmember Ronnie Greer, appellant, for Richard Demonbreun, owner.

Mr. Leeman stated staff is recommending approval.

Project No.        Zone Change 2002Z-073U-10

**Council Bill**     N/A

**Associated Cases**     N/A

**Staff Recommendation**    *Approval. The property at 746 Benton Avenue meets the criteria outlined in the Zoning Code for establishing a Neighborhood Landmark Overlay district. Specifically, this home is a critical component of the neighborhood context and structure along Benton Avenue.*

**APPLICANT REQUEST** Apply the Neighborhood Landmark Overlay district to the property.

**Existing Zoning**

      R6 zoning            R6 allows single-family and duplex lots with a minimum lot size of 6,000 square feet at a density of 6.17 dwelling units per acre.

      Historic Zoning Overlay    746 Benton Avenue not only falls within the Woodland and Waverly Historic Zoning district, requiring Historic Commission review and approval of any exterior changes to the structure, but is also listed on the National Register of Historic Places.

**Proposed Zoning**

      Neighborhood Landmark

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

**The eligibility of a property for application of the Neighborhood Landmark Overlay District is based upon meeting the definition of a neighborhood landmark and meeting one or more of the criteria below.**

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

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

Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;  
Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;  
Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;  
Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

**CRITERIA FOR CONSIDERATION      The home at 746 Benton Avenue also meets the 6 criteria for consideration outlined in the Zoning Code:**

The feature is a critical component of the neighborhood context and structure.  
Retention of the feature is necessary to preserve and enhance the character of the neighborhood.  
The only reason to consider the application of the NLOD is to protect and preserve the identified feature.  
There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.  
It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.  
All other provisions of this section have been followed.

**TRAFFIC**      Road improvements and a traffic analysis will be done at the final plan stage if the Metro Council approves the NLOD. The analysis will take into consideration the proposed uses at the time of the final plan.

**Traffic Study**    No.      One was not required.

Mr. Pete Horton and Mr. Richard Demonbreun spoke in favor of the proposal.

Mr. William Cothran, Ms. Christine Crowning, Mr. Paul Ransor, Ms. Morina Shaftner, and Mr. Trasbin Stoner spoke in opposition to the proposal and expressed concerns regarding, noise, commotion, traffic, parking, no shielding for neighbors, the intent of the NLOD is not to be used in this way, late notification of the Commission meeting. Ms. Shaftner requested a deferral.

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

Councilmember Summers stated it was the clear intent in Council that this district was not created for single-family homes imbedded in a neighborhood.

Ms. Nielson stated this property is protected under historic zoning and there is no reason to put another overlay on it.

Councilmember Summers moved and Mr. Clifton seconded the motion, which carried unanimously, to disapprove.

**Resolution No. 2002-297**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-073U-10 is **DISAPPROVED (6-0)**:"

**The home at 746 Benton Avenue does not meet the true intent of the Neighborhood Landmark district, which is for the protection of deteriorating structures that are in danger of demolition. The use of the Neighborhood Landmark Overlay district was designed to preserve endangered historical properties and not as a tool for commercial intent.”**

**16. 2000Z-087U-11**

Map 119-11, Parcel(s) 163 (2.24 ac); 164 (.68 ac); 168-172;  
Map 119-11, Parcel(s) 165 (.76 ac); 166 (1.07 ac);  
Map 119-11, Parcel(s) 167 (.81 ac); cont. in CP&D; Map 119-15,  
Parcel(s) 123 (.78), 124 (.53)  
Subarea 11 (1999)  
District 16 (McClendon)

A request to change from R10 district to CL district properties at 47, 49, 53, 61 65 Thompson Lane and 2900, 2901, 2906, 2910, 2911, 2915 Willowbrook Drive, and Willowbrook Drive (unnumbered), (12.54 acres), requested by Wood Caldwell, appellant, for Keith M. Buchanan, Mark E. Buchanan, and J. C. Buchanan et ux, J. C. Gibson et ux, Bill Harbison et ux, Etta L. Williams and Johnnie E. W. Alexander, H.G.T. Hunt et ux, Francis Cegelka, Kenneth K. Tant et ux, John Robert Wall, Jr., Arthur C. Litchford, Sr., Suzanne S. Litchford, and Roy G. Riggins, owners. (See also PUD Proposal No. 116-83-U).

**17. 116-83-U-11**

Willowbrook Market Place  
Map 119-11, Parcel(s) 163 thru 172; Map 119-15, Parcel(s) 123  
and 124  
Subarea 11 (1999)  
District 16 (McClendon)

A request to revise the Commercial Planned Unit Development District located abutting the south margin of Thompson Lane, west of I-24, classified R10, (12.54 acres), to permit a 117,324 square foot retail center and restaurant, approved for a 334,500 square foot office and retail center, requested by Southeast Venture for the owners of the 11 parcels within the Planned Unit Development.

Mr. Leeman presented items 16. 2000Z-087U-11 and 17. 116-83-U-11 together.

Mr. Leeman stated staff recommends disapproval as a revision to the preliminary PUD, and approval with conditions of the zone change.

Project No. Zone Change 2000Z-087U-11

**Council Bill** N/A

**Associated Cases** PUD Proposal No. 116-83-U-11

**Staff Recommendation** *Approve with conditions. The CL zoning and proposed PUD amendment is consistent with the Subarea 11 Plan’s CMC policy calling for a wide range of commercial uses. The council bill should include the required traffic improvements along Thompson Lane, including a new traffic signal at the site entrance, right-turn lanes into the site at both entrances, and a new left-turn lane into the main project entrance. The council bill shall not be approved on third reading until the right-of-way along Thompson Lane is acquired from Metro for this project.*

**APPLICANT REQUEST** Rezone 12.54 acres from Residential (R10) to Commercial Limited (CL)

**Existing Zoning**

R10 zoning/Commercial PUD R10 allows single-family and duplex lots with a minimum lot size of 10,000 square feet, while the existing commercial PUD is approved for 334,500 square feet of office, hotel, and convenience market uses.

**Proposed Zoning**

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

SUBAREA 11 PLAN

**Policy**

Commercial Mixed

Concentration (CMC) CMC policy is intended for a wide range of commercial uses with a mixture of commercial and residential uses. CMC policy was applied to this property in recognition of the negative impacts exerted by Briley Parkway and the interstate, and to encourage appropriate commercial or higher density residential development.

**Policy Conflict** No. The Subarea 11 Plan calls for commercial development at this location, while there is already an existing commercial PUD approved at this location. The Subarea plan encourages a limited number of central access points to and from Thompson Lane, while it also says: “Commercial uses in this isolated area should be compatible with the residential areas across Thompson Lane and incorporate enhanced landscaping and design measures to maintain an attractive overall image” (Subarea 11 Plan, page 68).

**RECENT REZONINGS** This zone change request has been reactivated since it was deferred indefinitely in 2000. The applicant is only requesting the zone change should the Planning Commission find that their PUD application is a PUD amendment and not a PUD revision. The PUD revision would not require a zone change.

**TRAFFIC** Based on typical uses, a shopping center of this size could generate approximately 5,021 trips per day (Institute of Transportation Engineer’s, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Study Submitted** Yes. The traffic impact study recommends a new traffic signal at the main driveway on Thompson Lane, as well as two right-turn lanes into the project’s two entrances on Thompson Lane. The plan also proposes a left-turn lane into the main project entrance on Thompson Lane.

**Traffic Engineer’s**

**Findings** The Metro Traffic Engineer has reviewed the proposed plan and recommends disapproval of three driveways to and from Thompson Lane, but approval of two driveway cuts with the secondary driveway not having a median cut on Thompson Lane.

Project No. Planned Unit Development 116-83-U-11

Project Name Willowbrook Marketplace PUD

**Council Bill** N/A

**Associated Cases** Zone Change 2000Z-087U-11

**Staff Recommendation** *Disapproval as a revision to preliminary PUD plan.*

*Approval with conditions as an amendment, with conditions for the required traffic improvements along Thompson Lane, including a new traffic signal at the site entrance, right-turn lanes into the site at both entrances, and a new left-turn lane into the main project entrance. The council bill should not be approved on third reading until the right-of-way along Thompson Lane is acquired from Metro for this project.*

*Conditions will also include an enhanced landscape buffer along the frontage of Thompson Lane to include a minimum “B” landscape buffer yard, the relocation/removal of the gas pump islands to the corner of Briley Parkway and Thompson Lane, and a condition limiting the hours of operation to 10 pm.*

APPLICANT REQUEST

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

Permit 117,324 square feet of retail and restaurant uses including a 13,650 square foot drug store, a 66,000 square foot grocery store, 30,654 square feet of retail, and a 7,020 square foot restaurant on 12.54 acres.

Although the applicant is requesting a revision to the preliminary PUD plan, staff believes the proposed changes to the plan constitute a change to the basic development concept of the PUD, requiring a PUD amendment and Metro Council action. The previously approved preliminary PUD plan permitted two (2) office buildings, one parking structure, one hotel, and a gas/convenience station.

Section 17.40.120 of the Zoning Code gives the Planning Commission the authority to decide whether a change to a plan is a revision or an amendment. It says: "In the judgment of the commission, the change does not alter the basic development concept of the PUD." Staff believes the change in use, design, and square footage does change in the concept of the plan.

The Zoning Code also states: "If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive." Since the base zoning is R10 and the PUD was not approved for restaurant or retail uses, staff believes that the proposed changes constitute an amendment.

#### **PLAN DETAILS**

**Design/Landscaping** Staff recommends approval with the following conditions that will address the Subarea 11 Plan's policy for commercial development to be compatible with the adjacent neighborhood on the north side of Thompson Lane.

The applicant proposes gas pumps directly across Thompson Lane from single-family residential homes, while the approved preliminary PUD plan has them closer to the intersection of Briley Parkway and Thompson Lane. The fuel pumps are not a use that is compatible with the residential uses across the street and should be removed from the plan or moved to a location with less impact on the neighboring homes. Plan does not incorporate "enhanced landscaping and design measures to maintain an attractive overall image." Proposed plan provides 136.5 tree density units, while the Zoning Code requires 136.3 units. To address the enhanced landscaping recommendations of the Subarea 11 Plan, approval of the amendment should include a condition that the applicant includes a minimum "B" landscape buffer yard along the frontage of Thompson Lane.

To address concerns of the surrounding neighbors, a condition should be placed on the PUD limiting the hours of operation of all establishments to 10 pm.

#### **ROW Acquisition/Road**

**Closure** Plan will require a mandatory referral for the closure of Willowbrook Drive and for the acquisition of property along Thompson Lane that is currently within the boundaries of the proposed PUD plan, but is public right-of-way. The council bill should not be approved on 3rd reading until the right-of-way along Thompson Lane is acquired from Metro for this project.

Stormwater Appeals Board **Since a portion of the plan along Thompson Lane proposes parking spaces on land area that is currently owned by Metro, and used as a drainage ditch, Metro Water Services is requiring the Stormwater Appeals Board to approve the preliminary PUD plan prior to making a recommendation. This is currently scheduled for the meeting of July 17, 2002, and staff will update the Planning Commission as to the outcome.**

**TRAFFIC** Based on typical uses, a shopping center of this size could generate approximately 5,021 trips per day (Institute of Transportation Engineer's, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.



**Traffic Study Submitted** Yes. The traffic impact study recommends a new traffic signal at the main driveway on Thompson Lane, as well as two right-turn lanes into the project's two entrances on Thompson Lane. The plan also proposes a left-turn lane into the main project entrance on Thompson Lane.

**Traffic Engineer's**

**Findings** The Metro Traffic Engineer has reviewed the proposed plan and recommends disapproval of three driveways to and from Thompson Lane, but approval of two driveway cuts with the secondary driveway not having a median cut on Thompson Lane.

Mr. Fran Cegelka and Ms. Elaine Alexander spoke in favor of the change to the PUD as proposed by the developer.

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

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

**Resolution No. 2002-298**

BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-087U-11 is **APPROVED (6-0).**"

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 116-83-U-11

is **DISAPPROVED AS A REVISION; AND APPROVE AMENDMENT WITH CONDITIONS, BUT WITH CLAUSE WHICH DISAPPROVES IF CONDITIONS ARE NOT ADOPTED BY THE METRO COUNCIL (6-0)** 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 and Water Services.
2. 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.
3. Prior to the issuance of any building permits, a final plat must be recorded, including all necessary bonds for public improvements, sewer line abandonment and relocation, and traffic improvements, as follows: (A) Prior to the issuance of any Use and Occupancy permits, a traffic signal must be installed at the main entrance to the project site on Thompson Lane, and a left-turn lane shall be constructed at this intersection. (B) Prior to the issuance of any Use and Occupancy permits, right-turn lanes must be installed into the two project entrances on Thompson Lane.
4. Prior to Third (3<sup>rd</sup>) Reading by the Metropolitan Council for PUD proposal 116-83-U-11, right-of-way acquisition along Thompson Lane required for this project must be approved by the Metropolitan Council.
5. Prior to any final plat recordation, a mandatory referral for the closure of Willowbrook Drive must be approved by the Metropolitan Council.
6. Prior to or in conjunction with the submittal of any final PUD plan, a revised preliminary PUD plan must be submitted to the Planning Department showing a type "B" landscape buffer yard along the entire frontage of Thompson Lane, except driveway locations.

7. Prior to or in conjunction with the submittal of any final PUD plan, a revised preliminary PUD plan must be submitted to the Planning Department showing only two driveway access points to the PUD, with only one right-in/right-out driveway and one full service driveway. The plan must also include only one median cut along Thompson Lane at the main driveway ingress/egress.
8. Prior to or in conjunction with the submittal of any final PUD plan, a revised preliminary PUD plan must be submitted to the Planning Department showing the removal or relocation of the gas pump islands to the corner of Briley Parkway and Thompson Lane.
9. The hours of operation will be limited to 10 pm for all establishments with the PUD.”

**5. 2002Z-068U-11**  
 Map 119-09, Parcel(s) 285, 286  
 Subarea 11 (1999)  
 District 16 (McClendon)

A request to change from R10 district to OR20 district properties at 309 and 311 Collier Avenue, approximately 550 feet east of Nolensville Pike, (0.36 acres), requested by David Charles of Action Nissan, appellant, for Action Nissan, Inc., owner.

Mr. Leeman stated staff recommends disapproval.

Project No. Zone Change 2002Z-068U-11

**Council Bill** N/A

**Associated Cases** N/A

**Staff Recommendation** *Disapproval as contrary to the General Plan. The OR20 district is inconsistent with the Subarea 11 Plan’s Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. If a council bill is requested, the bill should include a condition that Collier Avenue be upgraded to local non-residential street standards with 37 feet of pavement from Simmons Avenue to Nolensville Pike.*

**APPLICANT REQUEST** Rezone 0.36 acres from Residential (R10) to Office and Residential (OR20)

**Existing Zoning**

R10 zoning R10 allows single-family and duplex lots with a minimum lot size of 10,000 square feet at a density of 3.7 dwelling units per acre.

**Proposed Zoning**

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

**SUBAREA 11 PLAN**

**Policy**

Residential Medium (RM) RM policy is intended for residential development at 4 to 9 dwelling units per acre. The plan states residential development should fall within the low end of the 4 to 9 dwelling units per acre.

**Policy Conflict** Yes. The Subarea 11 Plan’s RM policy does not call for commercial development or multi-family residential development along Collier Avenue: *“It is strongly recommended that no further expansion of non-residential uses occur back into the neighborhood along the streets with access to Nolensville Pike. The objective is the preservation and protection of the existing housing stock and the continued provision of a viable residential environment.”* (Subarea 11 Plan, page 59).

**RECENT REZONINGS** The existing OR20 district directly west of the proposed site was rezoned to OR20 in 1999 as an extension of the CAE policy along Nolensville and in recognition of the existing parking lot use on this property for the Action Nissan car dealership across the street. In 1963, the Board of Zoning Appeals (BZA) approved a parking lot as a conditional use on parcel 282 and a portion of 283.

The BZA required a buffer between the parking lots and the residential properties to the east, and that the parking lots be paved, but these conditions have never been met. Parcel 284 had been illegally used as a parking lot for years until rezoned in 1999, since it was never part of the BZA approval.

**TRAFFIC** If rezoned, Collier Avenue from Simmons Avenue to Nolensville Pike should be upgraded to local non-residential street standards with 37 feet of pavement from the eastern boundary of the property to Nolensville Pike.

**Traffic Study Submitted No.**

**Traffic Engineer's**

**Findings** The Metro Traffic Engineer has not provided a recommendation at the time of staff report mail out.

**SCHOOLS**

**Students Generated** 1 Glencliff Elementary 0 Wright Middle  
0 Glencliff High School

**Schools Over/Under Capacity** The Metro School Board has identified Glencliff High School as being over capacity, while Wright Middle School and Glencliff Elementary School have not been identified as being over capacity.

Ms. Linda Bernhardt spoke in and expressed concerns regarding traffic, safety, and loss of affordable homes and destruction of this neighborhood.

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. 2002-299**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-068U-11 is **DISAPPROVED (6-0) as contrary to the General Plan:**

**The proposed OR20 district is inconsistent with the Subarea 11 Plan's Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. The OR20 district would allow up to 20 dwelling units per acre. The RM policy does not call for commercial development or multi-family development along Collier Avenue since it would negatively impact the residential neighborhoods. If a council bill is requested, the bill should include a condition that Collier Avenue be upgraded to local non-residential street standards with 37 feet of pavement from Simmons Avenue to Nolensville Pike."**

**7. 2002Z-070G-13**

Map 150-00, Parcel(s) Part of 135 (17.84 ac); Map 164-00,  
Parcel(s) 207, 258, 259  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a district to CS district properties at 3506, 7086 Hamilton Church Road and Hobson Pike (unnumbered), at the intersection of Hobson Pike and Hamilton Church Road, (29.97 acres), requested by Joe McConnell of MEC, appellant, for James Rowlett, Barbara Rowlett, Herbert Rowlett, Mable McIntosh, Windhaven Shores, Inc., and Gary & Brenda Fisher, owners.

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

Project No. Zone Change 2002Z-070G-12  
**Council Bill** None.

**Associated Cases** None.

**Staff Recommendation** *Disapproval as contrary to General Plan. CS zoning does not implement Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:  
Hobson Pike must be widened from Hamilton Church Road to the northern property line of parcel 259 to the Scenic Arterial (S4) standards as outlined on the Major Street Plan.  
Hamilton Church Road must be widened to U4 and U2 street standards as outlined on the Major Street Plan, from Murfreesboro Road to Mt. View Road.*

**APPLICANT REQUEST** Rezone 29.97 acres from Agricultural (AR2a) to Commercial Service (CS)

**Existing Zoning**

AR2a zoning AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes).

**Proposed Zoning**

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

**SUBAREA 13 PLAN**

**Policy** Residential Low Medium (RLM), permitting  
2 to 4 dwelling units per acre

**Policy Conflict** Yes. The Subarea 13 Plan states: *"It is a developing, low medium density residential area, with potential for future residential development."*

**RECENT REZONINGS** No.

**TRAFFIC**

**Traffic Study Submitted** Yes.

**Metro Traffic Engineer's Findings** This development is expected to generate a tremendous amount of traffic. The study predicts 11,129 daily trips will be generated by this commercial development. In order for the existing road network to accommodate this volume of traffic the study suggests two improvements in addition to the internal road network to be constructed for the development. These two improvements are:

- (1) Hobson Pike widened to a four-lane cross section.
- (2) Hamilton Church Road widened to a four-lane cross section from Murfreesboro Road to Mt. View Road.

**Without these improvements, the roadways are expected to operate at level-of-service E. Therefore, the Traffic Engineer cannot recommend approval for this rezoning until these improvements are committed to/scheduled for completion.**

Ms. Phyllis Chambers supported staff disapproval recommendation.

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. 2002-300**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-070G-13 is **DISAPPROVED (6-0) as contrary to the General Plan:**

**The proposed CS district is not consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. If a council bill is**

**filed it should include the following conditions for road improvements to be completed or bonded prior to issuance of any building permits: Hobson Pike must be widened from Hamilton Church Road to the northern property line of parcel 259 to the Scenic Arterial (S4) standards as outlined on the Major Street Plan. Hamilton Church Road must be widened to U4 and U2 street standards as outlined on the Major Street Plan, from Murfreesboro Road to Hobson Pike.”**

**8. 2002Z-071G-13**

Map 150-00, Parcel(s) 139, 190, 247; Map 164-00, Parcel(s) 76, 82, 83, 85, 101, 180, 181, 193, 196, 204, 215, 255; Map 165-00, Parcel(s) 9  
Subarea 13 (1996)  
District 29 (Holloway)

A request to change from AR2a and R15 districts to RS10 and RM9 districts properties at 3416, 3424, 3731 Hamilton Church Road, 3514, 3562, 3600, 3822 Pin Hook Road, 6052 Mt. View Road, Hamilton Church Road (unnumbered), Hobson Pike (unnumbered), Route 2 Pin Hook Road (unnumbered) and Route 2 Murfreesboro Pike (unnumbered), (375.52 acres), requested by Joe McConnell of MEC, appellant, for Everett Kilgrow et ux, Dennis Britt et ux, Stephen Piper et ux, M.B. Kelley et ux, Owen Painter et ux, Charles Richardson et ux, Windhaven Shores, Inc., Jerry Butler Builders, LLC., Moss Properties LTD, Elizabeth Pope et al, Chun Ok Song, and E. A. Brent, owners.

Ms. Fuller stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-071G-12

**Council Bill** None.

**Associated Cases** None.

**Staff Recommendation** *Approve with conditions. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:*

*Hobson Pike’s pavement width must be widened from Murfreesboro Road to Hamilton Church Road to Scenic Arterial (S4) standards as outlined on the Major Street Plan*

*Hamilton Church Road’s pavement width must be widened to collector, U2, and U4 standards as outlined on the Major Street Plan, from Murfreesboro Road to Mt. View Road.*

*No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential.*

APPLICANT REQUEST Rezone 375 acres from Agricultural (AR2a) and Residential (R15) to Residential Multi-Family (RM9) and Residential Single-Family (RS10)

**Existing Zoning**

AR2a zoning AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes). Existing zoning would permit 92 dwelling units.

R15 zoning Single-family and duplex residential at 2.67 dwelling units per acre. Existing zoning would permit 397 dwelling units.

**Proposed Zoning**

RM9 zoning Single-family, duplex, and multi-family residential at 9 dwelling units per acre. Proposed zoning would allow 628 dwelling units.

RS10 zoning Single-family residential at 3.7 dwelling units per acre.  
Proposed zoning would allow 1021 single-family lots.

**SUBAREA 13 PLAN**

**Policy** Properties proposed for RM9 zoning are located in the Residential Medium (RM) policy, which permits 4 to 9 dwelling units per acre.

Properties proposed for RS10 zoning are located in the Residential Low Medium (RLM) policy, which permits 2 to 4 dwelling units per acre.

**Policy Conflict** No. The Subarea 13 Plan states: *“It is a developing, low medium density residential area, with potential for future residential development.”* However the need for adequate infrastructure is indicated, *“Careful consideration should be given to the adequacy of infrastructure needed to accommodate large amounts of development in the area. Transportations system improvements, such as widening Hobson Pike, may be necessary before major amounts of residential development can be approved in this area.”*

**RECENT REZONINGS** No.

**TRAFFIC**

**Traffic Study Submitted** Yes.

**Metro Traffic Engineer’s Findings** This development is expected to generate a tremendous amount of traffic. The study predicts 16,553 daily trips will be generated by this development. In order for the existing road network to accommodate this volume of traffic the study suggests two improvements in addition to the internal road network to be constructed for the development. These two improvements are: (1) Hobson Pike widened to a four-lane cross section. (2) Hamilton Church Road widened to a four-lane cross section from Murfreesboro Road to Mt. View Road.

Without these improvements, the roadways are expected to operate at level-of-service E. Therefore, the Traffic Engineer cannot recommend approval for this rezoning until these improvements are committed to/scheduled for completion.

**SCHOOLS**

**Students Generated**      242 Elementary    173 Middle      140 High School

**Schools Over/Under Capacity** Students will attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. None of these schools have been identified as being overcrowded by the Metro School Board.

No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential.

Mr. Tom White, representing the applicant, asked for approval.

Ms. Phyllis Chambers supported staff’s conditions and asked the Commission to use caution in approving this request.

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

**Resolution No. 2002-301**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-071G-13 is **APPROVED (6-0) with conditions:**

The proposed RS10 district is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. The RS10 district allows a maximum density of 3.7 dwelling units per acre. The proposed RM9 is consistent with the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre on a separate portion of the site. If a council bill is filed it should include the following conditions for road improvements to be completed or bonded prior to issuance of any building permits and for provision of a school site: Hobson Pike's pavement width must be widened from Murfreesboro Road to Hamilton Church Road to Scenic Arterial (S4) standards as outlined on the Major Street Plan. Hamilton Church Road's pavement width must be widened to collector, U2, and U4 standards as outlined on the Major Street Plan, from Murfreesboro Road to Hobson Pike. Pin Hook Road must be widened to collector street standards from Murfreesboro Pike to Hobson Pike. No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential."

9. 2002Z-072G-12  
Map 181-00, Parcel(s) 37  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to RS10 district property at 6125 Culberson Road, abutting the southern margin of Culberson Road, (15.76 acres), requested by Mike Anderson of Anderson-Delk and Associates, appellant, for Paul Johnson, owner

Mr. Hardison stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-072G-12

Council Bill N/A

Associated Cases None.

**Staff Recommendation** *Approve with conditions. RS10 is consistent with the RLM policy calling for 2 to 4 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:*

*No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.*

*Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.*

APPLICANT REQUEST Rezone 15.76 acres from Agricultural (AR2a) to Residential (RS10)

**Existing Zoning**

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

**Proposed Zoning**

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

SUBAREA 12 PLAN

**Policy**

Residential Low Medium (RLM) RLM permits 2 to 4 units per acre.

**Policy Conflict** None. RS10 zoning is consistent with RLM policy and the emerging zoning pattern in the area. However, currently, the road infrastructure does not meet Metro standards and therefore is inadequate to handle the traffic that would be created by development under the RS10 zoning.

**RECENT REZONINGS** Yes. MPC recommended approval with roadway and access conditions on 3/19/98 (98Z-048G) rezoning adjacent parcel 36 from AR2a to RS10. Council approved the rezoning without the conditions on 5/26/98 (O98-1175).

**ROAD NETWORK CONDITIONS** Rezoning to RS10 would permit up to 58 single-family dwellings on the site. 58 single-family residences would generate approximately 558 trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Currently, Culbertson Road is substandard in its construction with portions located in the flood plain and subject to regular closing due to flooding. In addition there currently exists no other access to the property from adjacent developments.

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

Staff further recommends that should either the Metropolitan Planning Commission or Council recommend that this property be rezoned under the current roadway conditions such rezoning be conditioned as follows:

No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.

Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.

**Traffic Engineer's**

**Findings** Approve. Adjacent to this property is the site of the proposed preliminary plat Sundown Green (2002S-082G-12). The Planning Commission disapproved Sundown Green on 4/25/02. The Metro Traffic Engineer conditioned the plat that the road improvements on Culbertson Road were not required until 25% of the development had been completed. The Traffic Engineer has indicated that the property proposed in this zone change will yield less than 25% of the total of Sundown Green. Therefore, no road improvements will be required for this particular property.

**SCHOOLS**

**Students Generated**      11 Elementary      8 Middle      7 High School

**Schools Over/Under Capacity** Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

**FUTURE SUBDIVISION**

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

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)



Included among those provisions are the following requirements:

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

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

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

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

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

Ms. Theresa Couch and Ms. Brenda Nance expressed concerns regarding any access to Culbertson Road.

Mr. Mike Anderson, Anderson-Delk Associates, stated he didn’t have any problem with that and asked that the present conditions be held as they are at the present time.

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

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

Mr. McLean moved to hear the remaining items on August 8, 2002, without any changes and at the beginning of the agenda.

#### **Resolution No. 2002-302**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-072G-12 is **APPROVED (6-0) with conditions:**

**The proposed RS10 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. The RS10 district allows a maximum density of 3.7 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed or bonded prior to issuance of any building permits: No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent. Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD’s.”**

**12. 2002Z-075G-12**  
Map 174-00, Parcel(s) 1, 2, 192  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to RS10 and RM15 districts properties at 765 Preston Road and Preston Road (unnumbered), approximately 1,250 feet west of Cane Ridge Road, (145 acres), requested by Roy Dale of Dale & Associates, appellant, for Charles and Darinda Paul, Milton Paul, and Allen Paul, owners.

Project No. Zone Change 2002Z-075G-12

**Associated Case** None

**Council Bill** N/A

**Staff Recommendation** *Approve with conditions. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:*

*Widening the pavement of Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection, upgrading the Cane Ridge Road/Preston Road intersection to a 90-degree intersection, and widening Preston Road to Metro standards for a local road (23 feet of pavement) from that intersection to the southern border of parcel 001 on Tax Map 174.*

**APPLICANT REQUEST** Rezone 145 acres from Agricultural (AR2a) to Single-family and Multi-family Residential (RS10 and RM15)

**Existing Zoning**

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses with a minimum lot size of two (2) acres.

**Proposed Zoning**

RS10 zoning RS10 zoning is intended for single-family residential development with a minimum lot size of 10,000 square feet.

RM15 zoning RM15 zoning is intended for moderately high intensity multi-family structures at a density of fifteen (15) units per acre.

**SUBAREA 12 PLAN**

**Policy**

Residential Low Medium (RLM) RLM is intended for residential areas with densities between two (2) and four (4) units per acre.

**Residential Medium High (RMH) RMH is intended for residential areas with densities between nine (9) and twenty (20) units per acre.**

**Policy Conflict** No. The RS10 district allows 3.7 units per acre, while the RLM policy calls for two (2) to four (4) units per acre. The RS10 district is consistent with the Subarea 12 Plan's RLM policy. The RM15 district allows fifteen (15) units per acre, while the RMH policy is intended for densities between nine (9) and twenty (20) units per acre. The RM15 district is consistent with the Subarea 12 Plan's RMH policy.

**TRAFFIC** **The proposed zone change would permit a total of 695 units, 210 multi-family and 485 single-family. This number of units would create approximately 6,025 vehicle trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic. In 2001, Cane Ridge Road handled an average of 1,142 vehicle trips per day. Staff feels that due to the increase in traffic that would be generated by this zone change, several traffic-related requirements should be included in any Council bill filed to effect this zone change as conditions to be completed prior to any final subdivision plat recordation. Those conditions are:**

**Upgrade Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection.**

**The current intersection of Cane Ridge Road and Preston Road shall be upgraded to allow Preston Road to meet Cane Ridge Road at ninety degrees.**

**The new development shall tie into the stub street (Hickory Park Drive) to the north. This street ties directly into a signalized intersection at Bell Road. There is also an existing fire station along Hickory Park Drive.**

**Traffic Engineer's**

**Findings** The Metro Traffic Engineer has indicated that no Traffic Impact Study has been submitted by the applicant, and has provided no recommendation to staff.

**SCHOOLS**

**Students Generated** 109 Elementary 77 Middle 63 High Schools

**Schools Over/Under Capacity** If the property were developed under the proposed zoning, 249 students would be generated. Students would attend Maxwell Elementary, Antioch Middle, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

**FUTURE SUBDIVISION**

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

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

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

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

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

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

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

Zone Change Proposal No. 2002Z-075G-12 **was not heard; rescheduled for August 8, 2002 meeting.**

**13. 2002Z-076U-12**

Map 162-00, Parcel(s) 130, 105  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to CL district properties at Bell Road (unnumbered), at the intersection of Bell Road and Old Hickory Boulevard, (6.34 acres), requested by George Tomlin of GBT Realty Corporation, appellant, for William Dyer, owner.

Project No. Zone Change 2002Z-076U-12

**Council Bill** N/A

**Associated Cases** None.

**Staff Recommendation** *Disapprove. CL zoning will not implement the Subarea 12 Plan's Residential Medium (RM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.*

APPLICANT REQUEST Rezone 6.34 acres from Agricultural (AR2a) to Commercial Limited (CL)

**Existing Zoning**

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

**Proposed Zoning**

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

SUBAREA 12 PLAN

**Policy**

Residential Medium (RM) RM policy permits 4 to 9 units per acre.

**Policy Conflict** Yes. CL district is not consistent with the intent of the Subarea 12 Plan's RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning, staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

**RECENT REZONINGS** Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

**TRAFFIC** Based on typical uses in CL zoning, with on site parking, 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as discount store, hardware store, and restaurant approximately 3,374 to 8,264 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's**

**Findings** The Metro Traffic Engineer has indicated no objections to this project if traffic improvements called for in Zone Change 2002Z-077G-12 are completed.

Zone Change Proposal No. 2002Z-076U-12 **was not heard; rescheduled for August 8, 2002 meeting.**

**14. 2002Z-077U-12**

Map 162-00, Parcel(s) 103,129, 194, 195, 196, 197, 198; Map 162-00, Parcel(s) part of 100(3.2 ac), 101 (2.6 ac), 102 (2.9 ac), 125 (3.5 ac)

Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to SCR district properties at 14838, 14844, 14850, 14854, 14860, 14864 Old Hickory Boulevard, 1584, 1604 Bell Road, and Bell Road (unnumbered), at the intersection of Bell Road and Old Hickory Boulevard, (33 acres), requested by Edward Owens of Gresham, Smith & Partners, appellant, for Jeff Seat, Sylvia Patterson, Charles Robinson, James Watson, Ida Watson, Camille Reasonover, and Bill O'Neil, owners.

Project No. Zone Change 2002Z-077U-12

**Council Bill** N/A

**Associated Cases** None.

**Staff Recommendation** *Disapprove. SCR zoning does not implement the Subarea 12 Plan's residential (RM or RLM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.*

**APPLICANT REQUEST** Rezone 33 acres from Agricultural (AR2a) to Shopping Center Regional (SCR)

**Existing Zoning**

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

**Proposed Zoning**

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

**SUBAREA 12 PLAN**

**Policy**

Residential Low Medium (RLM) RLM policy permits 2 to 4 units per acre.

Residential Medium (RM) RM policy permits 4 to 9 units per acre.

**Policy Conflict** Yes. SCR district is not consistent with the intent of the Subarea 12 Plan's RLM or RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

**RECENT REZONINGS** Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

**TRAFFIC** Based on typical uses in SCR zoning, with on site parking, 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as a superstore, shopping center, and supermarket approximately 14,164 to 36,798 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's**

**Recommendation** Approve with conditions as follows:

Construct roadway improvements on Old Hickory Blvd. and Bell Rd. to include roadway widening and construction of additional lanes.

Conduct a traffic impact study for this proposal as soon as the Metro Public Schools academic year begins.

Implement any additional recommendations by the study and/or the Metro Traffic Engineer.

Zone Change Proposal No. 2002Z-077U-12 **was not heard; rescheduled for August 8, 2002 meeting.**

**15. 2002Z-078U-14**

Map 096-09, Parcel(s) 96, 97; Map 096-13, Parcel(s) 20  
Subarea 14 (1996)  
District 15 (Loring)

A request to change from CL district to R10 district properties at 420, 424 Donelson Pike, and Donelson Pike (unnumbered), approximately 160 feet south of Lakeland Drive, (9.46 acres), requested by Councilmember J. B. Loring, appellant, for Ria Graman, Betty Borth, and S. Plant, owners.

Project No. Zone Change 2002Z-078U-14

**Council Bill** N/A

**Associated Cases** None

**Staff Recommendation** *Approve.*

APPLICANT REQUEST Rezone 9.46 acres from Commercial Limited (CL) to Residential (R10)

**Existing Zoning**

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

**Proposed Zoning**

R10 zoning R10 zoning is intended for single-family and duplexes at 3.7 dwelling units per acre.

SUBAREA 12 PLAN

**Policy**

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

**Policy Conflict** None. R10 district is at the low end of medium density residential. These properties have come before the Planning Commission on several other occasions requesting CL zoning. Planning staff and the Planning Commission have consistently recommended disapproval of the CL zoning. Metro Council approved the change to CL in 2001. This change will return the properties to R10 zoning which is appropriate for this area and is consistent existing pattern in this area.

**RECENT REZONINGS** Yes. MPC disapproved on 4/26/01 (2001Z-042-14U) rezoning these parcels from R10 to CL. Council approved on 8/4/01 (BL2001-737).

**TRAFFIC** Based on typical uses in R10 zoning such as single-family residences and duplexes approximately 70 to 140 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's**

**Recommendation** Approve.

**SCHOOLS**

**Students Generated** 6 Elementary 4 Middle 3 High School

**Schools Over/Under Capacity** Students will attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. Two Rivers Middle and McGavock High have not been identified as being overcrowded by the Metro School Board, but McGavock Elementary School has been identified as being overcrowded.

Zone Change Proposal No. 2002Z-078U-14 **was not heard; rescheduled for August 8, 2002 meeting.**

**PRELIMINARY PLAT SUBDIVISIONS**

**18. 96S-382G**  
CHASE CREEK SUBDIVISION (2nd Revision)  
Map 156-00, Parcel(s)  
Subarea 6 (1996)  
District 35 (Lineweaver)

A request to revise the preliminary and final plat to remove sidewalks throughout the subdivision, where sidewalks are not required by the RS30 and R40 districts, requested by Patrick Malone, developer.

Project No. Subdivision 96S-382G  
Project Name Chase Creek Subdivision (2nd Revision)

**Staff Recommendation** *Approve the request to revise the preliminary and final plat to remove sidewalks throughout the subdivision.*

**APPLICANT REQUEST** A request to revise the preliminary and final plat to remove sidewalks throughout the subdivision, where sidewalks are not required by the RS30 and R40 districts, requested by Patrick Malone, developer.

**PROJECT DETAILS** *Background*

The preliminary and final subdivision did not originally show sidewalks on the plat, but they were shown on the construction plans. On October 20, 1997, the first revision to the subdivision plat showed sidewalks on one side of each of these roads: Chase View Road, West Chase Court, Chase View Court and East Chase Court. At the time these changes were made, the developer was not aware that he was exempt from constructing sidewalks because the subdivision lies within the RS30 and R40 zoning districts.

An adjoining subdivision, Templegate, was faced with a similar situation. Templegate was also in the RS30 zoning district and sidewalks were shown on the construction plans, but the plat did not show the sidewalks. The Legal Department advised staff that no action was needed by the Planning Commission and authorized Public Works to release the bond without the sidewalks being constructed. Two years ago, staff verbally advised the developer of Chase Creek that he was not required to construct sidewalks. This decision was based upon the earlier decision by Legal and the Subdivision Regulations did not requiring sidewalks in these zoning districts. Since the plat for Chase Creek had been revised to show the sidewalks, something that did not happen in the Templegate case, it was considered appropriate to bring the matter before the Planning Commission.

When the Chase Creek developer began meeting with Public Works staff concerning the construction of these sidewalks, he found that more stringent sidewalk standards made construction costs exceed the amount originally estimated. The original estimate for the roads and sidewalks in Chase Creek was \$635,000. The reduced Public Works estimate in the amount of \$135,000 covers the amount needed for final paving and does not reflect the cost of sidewalks. Out of the 39 lots located within Davidson County, 14 are considered critical lots. Five of these lots are along the sidewalk path. Because of the topography, retrofitting could be problematic.

**STAFF RECOMMENDATION**

**Staff recommends approval of the request for revision to preliminary and final plats because sidewalks are not required under present zoning in the RS30 and R40 districts.**

**Chase Creek Subdivision (2<sup>nd</sup> Revision) was not heard; rescheduled for August 8, 2002 meeting.**

**20. 2002S-154G-12**  
CANE RIDGE ESTATES  
Map 174, Parcel(s) 035  
Subarea 12 (1997)  
District 31 (Knoch)

A request for preliminary plat approval to create 68 lots abutting the northeast margin of Cane Ridge Road, approximately 2,765 feet southeast of Old Franklin Road, (31.0 acres), classified within the RS15 district, requested by Dotson and Thomasson, owner/developer, Dale and Associates, surveyor.

Project No. Subdivision 2002S-154G-12

Project Name Cane Ridge Estates

**Associated Cases** 2001Z-075G-12; Council Bill No. BL2001-805

**Staff Recommendation** *Approve with conditions subject to a revised preliminary plat prior to the planning commission meeting and bonds for the extension of streets, sidewalks, public utilities and landscape buffer yards.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 30.63 acres into 68 lots using the cluster lot option, at a proposed density of 2.19 units per acre.

**ZONING**      **RS15 district requiring minimum lot size of 15,000 sq. ft.**

**CLUSTER LOT** Applicant proposes to reduce lots two (2) base zoning districts, from RS15 (minimum 15,000 sq. ft. lot) to RS 7.5 (minimum 7,500 sq. ft. lot). The proposed lots range in size from 7,520 sq. ft. to 11,840 sq. ft.

**SUBDIVISION DETAILS**      The strip of land that abuts the south side of Cane Springs Road and runs approximately 580 feet starting at the project entrance on Cane Ridge Road and extending east is being dedicated by the plat as right-of-way. This dedication will make possible future access or utility connections for property to the south. It is not a “spite strip.”

**Sycamore Tree** A very large, mature sycamore tree, with a caliper of over 30 inches exists in the vicinity of the rear of lot 2. This tree has been located on the plat but needs to be delineated that it is to be protected and retained through the grading and building process.

**Blue Line Stream**      A blue line stream begins in the vicinity of lot 22. A blue line stream is a stream that has been determined by the Tennessee Department of Environment and Conservation (TDEC) to have water in it all year. These streams are depicted on the United States Geological Survey Quadrangle (USGS Quad) maps with a blue line, hence the name, “blue line.” The state has jurisdiction over blue line streams. When 40 acres or more of land are draining into a stream, Metro’s Stormwater Management Ordinance requires a 25-foot buffer yard perpendicular from each side of the stream bank. Concerns were raised by Water Services (Stormwater Management) in reviewing this plat as to where the point began that 40 acres of land were draining to the stream. The applicant provided a “40-acre buffer yard” around the stream based on the blue line shown on USGS Quad maps. TDEC has conducted a preliminary field inspection to determine if this is accurate or if there is more water on site that is under its jurisdiction. TDEC has indicated there is evidence that more of the stream may be considered a blue line and that there are two springs. If TDEC concludes that these features are under their jurisdiction the applicant may lose some lots and need to redesign this site.

**Spring House**      A natural spring is located in the vicinity of the Cane Springs Road/Springhouse Way intersection, adjacent to lot 27. This plat notes this spring is to be used as an amenity and preserved. However, no details have been presented at this time, other than a note that temporary fencing will protect the spring during construction and that the crossing of the spring bed will be approved by the State of Tennessee before construction begins. There is great concern about this spring as it feeds a well and a pond on the adjacent neighbor’s property (Mark W. and Carol A. Dugger).



Until more details have been presented about the spring's preservation and the treatment of the blue-line stream, **staff recommends that no grading, blasting or building construction permits be issued until after TDEC conducts its final investigation and the Planning Commission approves a final plat.**

2002S-154G-12, Cain Ridge Estates **was not heard, rescheduled for August 8, 2002 meeting.**

**22. 2002S-206G-03**  
PRESTWICK PLACE  
Map 049, Parcel(s) 350, 351, 352  
Subarea 3 (1998)  
District 3 (Nollner)

A request for preliminary plat approval for 49 cluster lots abutting the west margin of Knight Road, approximately 577 feet north of Brook Manor Drive, (13.31 acres), classified within the R10 district, requested by Allen Earps, owner/developer, MEC, Inc., surveyor.

Project No. Subdivision 2002S-206G-03  
Project Name Prestwick Place  
**Associated Cases** None.  
**Staff Recommendation** Approved with conditions subject to a revised plat being submitted prior to the Planning Commission meeting.

APPLICANT REQUEST

Preliminary Plat     Preliminary & Final Plat     Final Plat

Subdivide 13.31 acres into 49 lots using the cluster lot option, at a proposed density of 3.68 units per acre.

ZONING

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

**SUBDIVISION VARIANCES** None

**TRAFFIC ENGINEERS**

**Findings** Approve.

**CONDITIONS** Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following:  
**Add the note "The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 – Regulations."**

**2002S-206G-03, Prestwick Place was not heard, rescheduled for August 8, 2002 meeting.**

**PLANNED UNIT DEVELOPMENTS (revisions)**

**25. 14-82-U-11**  
Red Roof Inn (Sign Variance)  
Map 132-15, Parcel(s) 60  
Subarea 11 (1999)  
District 33 (Turner)

A request for a variance to Section 17.32.130 (D) (Sign Regulations) for a Commercial Planned Unit Development district located abutting the west margin of Sidco Drive, north of Harding Place, classified CL, (.01 acres) to permit a variance for a 60 foot tall sign where a 50 foot tall sign is permitted, requested by North American Signs, for Second Berkshire Properties, LLC, owner

Project No. Planned Unit Development 14-82-U-11

**Project Name** Red Roof Inn (Sign Variance)

Council Bill N/A

Associated Cases N/A

**Staff Recommendation** *Disapprove variance since the Zoning Code already gives more flexibility for sign height along interstates, and since there is no property hardship that justifies the additional 10 feet in height.*

**APPLICANT REQUEST**

Preliminary PUD     Revised Prelim.     Revised Preliminary & Final PUD (Variance)  
 Final PUD     Amend PUD     Cancel PUD

Request for a variance to Section 17.32.130 (D) of the Zoning Code (sign regulations) to permit a 60-foot tall, 190.5 square foot sign, replacing a 50-foot tall, 216 square foot sign. The new sign requires a variance for height since the maximum allowable height is 50 feet tall.

Since this is a variance within a PUD, the Planning Commission will make a recommendation to the Board of Zoning Appeals (BZA) on the sign variance. The BZA will make the final determination on the variance.

**Existing Zoning**

Commercial Limited (CL) In a CL district next to an interstate, a maximum sign of 50-feet in height is permitted. If this property were not next to the interstate, the maximum allowable height would be 40-feet tall.

**VARIANCE REQUEST**

The applicant has indicated that a new sign is proposed as an upgrade to the 50-foot tall sign that exists at approximately the same location. The new sign is part of a nationwide renovation of Red Roof Inn locations and image.

Staff recommends disapproval of the variance since there are no property hardships (topography, grade, grade, etc.) making this site different than other sites along the interstate.

**14-82-U-11 Red Roof Inn was not heard, rescheduled for August 8, 2002 meeting.**

**OTHER BUSINESS**

40. Legislative Update

None.

**ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:05 p.m.

\_\_\_\_\_  
Chairman

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Secretary

Minute Approval: this 22<sup>nd</sup> day of August 2002



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