



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

July 8, 2004

PLANNING COMMISSION:

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

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion which passed unanimously to adopt the agenda as presented. (9-0)

III. APPROVAL OF JUNE 24, 2004 MINUTES

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve the minutes of June 24, 2004. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto spoke in favor of Item #10 – 2004Z-089G-14, Item #12 – 2004Z-091G-14 and Item #13 – 2004P-019G-14 which were all on the consent agenda.

Councilmember Coleman stated he would speak regarding his items (2004Z-059G-13 and 2004Z-090G-12) when they were presented later in the meeting.

Councilmember Bradley spoke in support of Item #18 – 2004S-203U-13.

Councilmember Foster requested that the Commission listen to the members of his community who will be expressing concerns regarding the McMurray Townhome proposal (Item #4 – 114-78U-12).

Council Lady Tucker announced that she was present to acknowledge and listen to the concerns the constituents had regarding Items #5 & #6 (2004Z-056U-03 and 2004P-012U-03), which are located in Councilmember Hughes' District. She indicated that some of the issues and concerns expressed by the Community have been addressed by

the developer and that there would be additional Community meetings to continue discussions regarding this development. She also acknowledged Councilmember Hughes' return and stated she would be relieving herself of these duties.

Councilmember Hughes requested that the approval process move forward on Item #5 -- 2004Z-056U-03 and Item #6 -- 2004P-012U-03. He stated that he would be holding a Community meeting to allow his constituents to review the project and voice their concerns before the proposal is acted upon by Council.

Councilmember Shulman announced that issues relating to Item #2 – 2004S-163U-10 have been resolved and he has obtained support from his community regarding this proposal. He also spoke in favor of approving Item #15 -- 2004Z-094U-10 and Item #16 -- 2004P-017U-10.

Councilmember Toler stated he would wait to address the Commission when his items were presented later in the meeting.

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

1. 2003S-238G-12 Highland Creek, Section 6 – Deferred indefinitely at the request of the applicant
3. 2004S-161U-10 Glen Echo, Resubdivision of Lot 12 – Deferred to July 22, 2004 at the request of the applicant
7. 2004Z-059G-13 AR2a to CS, 4046 LaVergne Couchville Pike – Deferred to July 22, 2004 at the request of the applicant
14. 2004Z-093U-14 RS10 to MUL property at 2874 Elm Hill Pike – Deferred indefinitely at the request of the applicant
17. 2002S-278G-13 Arbor Crest Subdivision – Deferred to July 22, 2004 at the request of the applicant
20. 2004S-206G-03 Bell Grimes Subdivision – Deferred to July 22, 2004 at the request of the applicant

Stewart Clifton arrived at 4:10 p.m.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Deferred or Withdrawn items as presented **(10-0)**.

VI. PUBLIC HEARING: CONSENT AGENDA ZONING MAP AMENDMENTS

10. 2004Z-089G-14 RS15 to AR2a, John Hager Rd. east of Earheart Road. - Approve
12. 2004Z-091G-14 RS15 to RM6, 4131 Andrew Jackson Pkwy, south of Stoners Glen Rd - Approve
13. 2004P-019G-14 Hermitage Senior Living – Approve

PRELIMINARY SUBDIVISION PLATS

19. 2004S-205U-03 Curtis Place– Approve with conditions

FINAL PLATS

21. 2004S-191U-05 Maplewood Home Tract, 1st Rev. to Lot 62 - Approve, including a sidewalk variance and a variance for depth to width

PLANNED UNIT DEVELOPMENTS (revisions)

22. 84-74-G-14 Marriott Hotel Nashville Airport Commercial PUD - Approve with conditions
24. 116-83-U-11 Willowbrook Marketplace - Approve with conditions
25. 2003P-014U-12 Mayfair PUD- Approve with conditions

OTHER BUSINESS

26. Amendment to Employee Contract for Keith Covington - Approve

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Consent Agenda as presented. **(10-0)**

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

PRELIMINARY PLATS

1. **2003S-238G-12**
Highland Creek, Section 6
Map 172, Parcel 157
Subarea 12 (1997)
District 31 (Toler)

A request for preliminary plat approval to subdivide part of one lot into 11 lots abutting the south margin of Nolensville Pike, approximately 1,250 feet north of Hills Chapel Road, (2.97 acres), classified within the RS10 district, requested by Holt Valley, LLC, owner/developer, Anderson-Delk & Associates, surveyor. (Deferred from meeting of June 24, 2004).

The Metropolitan Planning Commission DEFERRED Preliminary Plat 2003S-238G-12 indefinitely. (10-0)

2. **2004S-163U-10**
Woodmont Village
Map 118-09, Parcel 61
Subarea 10 (1994)
District 25 (Shulman)

A request for preliminary plat approval to subdivide one existing lot into two lots, located on the southeast corner of Woodmont Boulevard and Granny White Pike (0.95 acres), classified R10, requested by John Cobb, owner, Gresham-Smith and Partners, engineer. (Deferred from meeting of June 24, 2004).

Staff Recommendation - *Approve*

APPLICANT REQUEST

Preliminary Plat - This request is to subdivide 0.95 acres on one existing lot into two duplex lots (four total units), at 3500 Granny White Pike, at the southeast corner of Granny White Pike and Woodmont Boulevard. The lots will be served by a private joint access easement, not a public road. Access will be from Woodmont Boulevard only.

ZONING

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. However, since this parcel was created before August 1, 1984, the Zoning Regulations allow each new lot to have a duplex for any subdivision up to three lots.

Residential Low (RL) Policy -The RL policy was applied to this area because it is developed residentially with densities at or below 2 dwelling units per acre. According to the Subarea 10 Plan, "the intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas...and the plan recommends that the prevailing character and densities of these areas be conserved." Although this plan proposes a density of 4.2 dwelling units per acre, which exceeds what the RL policy calls for in this area, it is consistent with the surrounding densities at this intersection. According to the tax records, there are duplexes existing on parcels 57, 58, and 60 across the street. There is also an existing duplex on the property immediately to the east on parcel 62.

SUBDIVISION DETAILS - This plat proposes two lots of 21,364 sf. and 17,615 sf., with frontages of 92 feet, 113 feet, and 190 feet.

Lot Comparability - No variances are requested. All lots now pass the Lot Comparability standards for lot size and lot frontage with the reduction of the number of lots from three to two. The minimum required lot size is 15,860 square feet and the minimum allowable frontage is 92 feet.

Sidewalks - Sidewalks are proposed along both frontages of Woodmont Boulevard and Granny White Pike.

TRAFFIC ENGINEER'S FINDINGS - No exception taken

Mr. Leeman announced that this item was removed from the Consent Agenda due to the fact that he had received some concerns regarding this proposal. However, Councilmember Shulman stated at the beginning of the meeting that the issues have been resolved and the constituents were now in support of the proposal and recommended that this item be placed back on the Consent Agenda.

Mr. McLean moved and Ms. Cummings seconded the motion, to place preliminary plat 2004S-163U-10 back on the consent agenda and approve. **(10-0)**

Resolution No. 2004 –228

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-163U-10 is **APPROVED. (10-0)**”

FINAL PLATS

- 3. 2004S-161U-10**
Glen Echo, Resubdivision of Lot 12
Map 117-15, Parcel 11
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide one lot into two lots abutting the northwest margin of Hillmont Drive, approximately 125 feet northeast of Glen Echo Road (.89 acres), classified R10, requested by Eugene Collins, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of June 24, 2004).

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-161U-10 to July 22, 2004. (10-0)

ZONING MAP AMENDMENTS

- 4. 114-78U-12**
McMurray Townhomes
Map 161, Parcel 18
Subarea 12 (1997)
District 27 (Foster)

A request to revise the undeveloped Planned Unit Development located abutting the north margin of McMurray Drive and the west terminus of McMurray Court, (21.87 acres), classified R8 and proposed for RM15, to permit the development of 240 townhomes development to replace a 162 unit retirement development, requested by Ragan-Smith Associates, for Gertrude Tibbs Ezell, owner. (Deferred from meeting of May 27, 2004).

Staff Recommendation - *Disapprove* proposal at 240 units, *but approve* 218 units with conditions and recommend that the MPC allow access to McMurray Drive, as previously proposed, as a revision to the PUD plan, rather than require resubmission to Metro Council.

APPLICANT REQUEST

Revise PUD - Request to revise the existing PUD to allow for 240 townhome units on the 21.87-acre site, where access to the project is now proposed off of McMurray Lane & McMurray Court as it was originally approved on the Metro Council-approved plan in 1978.

PLAN DETAILS

History: This residential PUD was originally adopted by the Metro Council in 1978, and encompasses a larger land area than the 21.87 acres being amended by this request. The Council-approved plan allowed for the development of 270 units with access onto McMurray Lane & McMurray Court. In 1985, the plan was revised by the Commission down to a 162-unit plan, which also provided for an assisted-living facility. That 162-unit plan was approved by the Planning Commission as a “revision” and not referred to the Metro Council as an “amendment” of the 1978 PUD. At the May 13, 2004, Commission meeting, the applicant requested approval of a plan that provided access at one point on McMurray Drive rather than onto McMurray Lane and McMurray Court.

Access Issues - The Council-approved plan, as well as the 1985, revised plan, provided access onto a small alley (McMurray Lane) located to the east of the site, and also onto the substandard McMurray Court. The current application includes a request to remove the eastern access onto McMurray Lane and to have a single point of access onto McMurray Drive.

Staff supports the removal of the eastern access point since it exits onto two substandard public ways and disrupts the character of the few homes along those two streets. All traffic should enter and exit the site via McMurray Drive only, which is designated as a collector street on the adopted Major Street Plan. Connectivity to other adjacent properties is not possible since development has already occurred on all sides of this site. In addition, all drives within this project are proposed to be private.

Environmental Issues - When the PUD was revised by the Commission in 1985, several conditions were included to mitigate the negative effects of the proposed development on hillsides. Staff believes those conditions should remain in place with any revision to this PUD. The conditions are: “1) the use of stems walls on three (3) buildings along the south boundary to eliminate downside grading beyond foundation clearing, and 2) that notation on any final [PUD] plans of the general species and sizes of trees within the tree mass along McMurray Drive frontage and establishment of the limits of grading. Use and occupancy permits to be issued only on confirmed conformance to such limits.”

Revision vs. Amendment - The Zoning Code establishes several criteria to determine when changes to a PUD are “revisions”¹ that can be approved by the Planning Commission and when such changes are “amendments” that must be approved by the Metro Council. A change may be treated as a revision to be approved by the Commission if, among other things, “[t]here is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.”

In this case, it is subject to interpretation whether a “new” access is being proposed for McMurray Drive. The previously approved plan included access to McMurray Court and McMurray Lane, which themselves lead directly to McMurray Drive. Staff recommends that the Commission approve this application as a “revision” because the relocation of the road puts access for the project directly on a road that is designated as a Collector Road and because the connection at this location protects the character of the neighborhood associated with McMurray Lane and McMurray Court.

METRO PUBLIC WORKS’ COMMENTS

Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS), being met prior to adoption by the Metro Council:

1. Dedicate 1/2 of the required 60-foot collector ROW.
2. Construct 1/2 of the collector cross section along the property frontage.
3. Construct an Eastbound left turn lane with 75 feet of storage and transition per AASHTO on McMurray Drive at the project access drive.
4. Provide adequate sight distance for project access drive /McMurray Drive intersection. Submit graph of sight triangles per AASHTO guidelines.
5. Construct one entering lane and two exiting lanes for project access drive. The left turn lane shall have 50 feet of storage and transition per AASHTO standards.

CONDITIONS

1. Two conditions from the October 23, 1985, MPC revision approval must be re-approved and made applicable to this request:
 - The use of stem walls on buildings along the south boundary to eliminate downside grading beyond foundation clearing.
 - Notation on any final PUD plan of the general size and species of trees within the tree mass along the McMurray Drive frontage and establishment of the limits of grading outside of the drip line of the trees

located on the hillside fronting McMurray Drive which are to be preserved. Use and Occupancy permits to be issued only on confirmed conformance to such limits.

2. If the MPC approves relocation of the access point to McMurray Drive, grading along that hillside shall be limited to the private drive only and grading shall be limited to those areas of less than 15% slope so as to reduce the need for supplemental retaining walls.
3. There shall be no provisions of stormwater management along the treed hillside fronting McMurray Drive. Alternative methods of stormwater management shall be approved by the Stormwater Division of Water Services prior to the approval of any final PUD plans.
4. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
5. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
6. This preliminary plan approval for this 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.

Mr. Mitchell presented and stated that staff is recommending disapproval of the proposal with 240 units, but approval of 218 units with conditions and recommending that the Commission allow access to McMurray Drive, as previously proposed, as a revision to the PUD plan, rather than require resubmission to Metro Council.

Mr. White, attorney, submitted a copy of his presentation to the Commissioners and spoke in favor of the development.

Mr. Randy Caldwell, Ragan-Smith Associates, spoke in favor of the development.

Mr. Anthony Greco, 5024 McMurray Ct., spoke in opposition to the proposal.

Mr. Steven Hoskins, 627 Woodett Drive, spoke in opposition to the proposal.

Mr. Frank Brannon, 729 McMurray Drive, spoke in opposition to the proposal.

Mr. Mark Schlicker, 5161 Whittaker Drive, spoke in opposition to the proposal and submitted his material to the Commission to be included as part of the record.

Ms. Angelique Bolen, 5161 Whittaker Drive, spoke in opposition to the proposal and submitted her material to the Commission to be included as part of the record.

Ms. Kathy Elliott, 5019 Meta Drive, spoke in opposition to the proposal.

Mr. Joe Puckett, 723 McMurray Drive, spoke in opposition to the proposal and submitted his presentation to the Commission to be included as part of the record.

Ms. Brenda Stapley, 740 McMurray Drive, spoke in opposition to the proposal.

Mr. Bill Carter, 551 McMurray Drive, spoke in opposition to the proposal.

A resident of 707 McMurray Drive spoke in opposition to the proposal.

Ms. Maxine Turney, 5028 Meta Drive, spoke in opposition to the proposal.

Councilmember Foster acknowledged the concerns expressed by his constituents and requested that the Commission take these concerns in consideration.

Mr. Ponder requested further clarification on several issues mentioned by the constituents regarding this proposal. He stated he has concerns with the location of the development in relation to the site distance of the ingress/egress and its affect on the current neighborhood.

Mr. Tyler requested further information regarding the proposal, in particular, the history of the development in relation to the ingress/egress changes made to the development. He expressed concerns regarding the additional traffic and safety hazards associated with the development.

Ms. Cummings expressed concerns regarding the natural preservations of the land as well as the access to the development from McMurray Drive.

Mr. Clifton requested further clarification on whether the development was considered a revision or an amendment to the current regulations of the area.

Mr. McLean clarified the staff's recommendation on this proposal.

Mr. Small requested clarification on the number of units being proposed by staff and expressed concerns regarding the development being interpreted to be an amendment or a revision.

Ms. Jones expressed concerns regarding the stormwater retention included in the proposal.

Ms. Nielson expressed concerns regarding the approval of this development and the many changes being proposed by staff in relation to the final outcome of the development.

Mr. McLean moved, and Mr. Loring seconded the motion to disapprove 240 townhomes, but approve 218 townhomes with conditions, and approve access only onto McMurray Drive, as a revision to the Planned Unit Development. **(9-1) No Vote – Nielson**

Resolution No. 2004 –229

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD 114-78U-12 is **DISAPPROVED 240 TOWNHOMES, BUT APPROVED 218 TOWNHOMES WITH CONDITIONS, AND APPROVED ACCESS ONLY ONTO McMURRAY DRIVE, as revised to the Planned Unit Development. (9-1)**

Conditions of Approval:

1. Dedicate 1/2 of the required 60-foot collector ROW.
2. Construct 1/2 of the collector cross section along the property frontage.
3. Construct an Eastbound left turn lane with 75 feet of storage and transition per AASHTO on McMurray Drive at the project access drive.
4. Provide adequate sight distance for project access drive /McMurray Drive intersection. Submit graph of sight triangles per AASHTO guidelines.
5. Construct one entering lane and two exiting lanes for project access drive. The left turn lane shall have 50 feet of storage and transition per AASHTO standards.
6. Two conditions from the October 23, 1985, MPC revision approval must be re-approved and made applicable to this request:
 - The use of stem walls on buildings along the south boundary to eliminate downside grading beyond foundation clearing.
 - Notation on any final PUD plan of the general size and species of trees within the tree mass along the McMurray Drive frontage and establishment of the limits of grading outside of the drip line of the trees located on the hillside fronting McMurray Drive which are to be preserved. Use and Occupancy permits to be issued only on confirmed conformance to such limits.

7. If the MPC approves relocation of the access point to McMurray Drive, grading along that hillside shall be limited to the private drive only and grading shall be limited to those areas of less than 15% slope so as to reduce the need for supplemental retaining walls.
8. There shall be no provisions of stormwater management along the treed hillside fronting McMurray Drive. Alternative methods of stormwater management shall be approved by the Stormwater Division of Water Services prior to the approval of any final PUD plans.
9. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
10. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
11. This preliminary plan approval for this 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. **2004Z-056U-03**
 Map 49, Parcel 185
 Subarea 3 (1998)
 District 3 (Hughes)

A request to change from SCN, RS15 and RS20 to RS10 districts property at 3705 Whites Creek Pike, north of Green Lane, (38.44 acres), requested by Dale & Associates, Inc., applicant, Jane D. Parmley and Howard Scott Dowlen, owners. (See PUD Proposal No. 2004P-012U-03). (Deferred from meeting of June 10, 2004).

Staff Recommendation - Approve

APPLICANT REQUEST

Rezone 38.44 acres from shopping center neighborhood (SCN), residential single-family (RS20 and RS15) to residential single-family (RS10) district, as part of a requested new Planned Unit Development. The property is located along the east side of Whites Creek Pike, approximately two-thirds of a mile north of Briley Parkway.

Existing Zoning

SCN district - Shopping Center Neighborhood is intended for a limited range of retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas. The existing PUD called for 80,000 square feet of commercial uses.

RS20 district - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

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

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The proposed PUD plan includes 91 single-family homes.

BORDEAUX – WHITES CREEK PLAN (SUBAREA 3)

Residential Low-Medium (RLM) - RLM policy is a policy category designed to accommodate residential development within a density range of 2 to 4 dwelling units per acre. The predominant development type in RLM areas is single-family, although some townhomes and other forms of attached housing may be appropriate. The newly updated and adopted Bordeaux – Whites Creek Plan states that in areas designated with an RLM policy, proposals for single-family residential development, civic activities, and low-rise public benefit uses may be considered on their merits.

Policy Conflict - No. The associated PUD plan proposes to develop the entire 38.44-acre tract with 121 single-family homes at an overall density of 3.14 dwellings / lots per acre. If a PUD was not proposed, the RS10 district would allow up to 142 single-family lots. With the adoption of the associated PUD, the applicant is proposing to reduce the number of lots to keep the overall density at the 4 middle range of the RLM land use policy.

RECENT REZONINGS - No

METRO PUBLIC WORKS RECOMMENDATION: Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS):

1. Construct project access road with 2 exiting 12-foot wide lanes and 1 entering 12-foot wide lane. Left turn lane shall have 50 feet of storage with transition per AASHTO standards.
2. Construct 12-foot wide southbound left turn lane on Whites Creek Pike (WCP) at the project access with 100 feet of storage and transition per AASHTO standards.
3. Construct 12-foot wide northbound right turn lane on WCP at the project access with 100 feet of storage and transition per AASHTO standards.
4. Provide adequate sight distance for the access road. Remove vegetation along east side of WCP to provide a minimum 425 feet of sight distance. Locate access road at crest of hill and submit sight triangles and road profile in conjunction with the PUD construction drawings.
5. Provide pedestrian and bike access to future Greenway west of site and future bike lanes on WCP.
6. Dedicate or reserve ROW for the U4 and right turn lane on WCP.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Units per Acre	Total # of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	25.64	2.47	63	603	48	64

Typical Uses in Existing Zoning District: SCN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office and Retail* (710)	12.8	--	80,000*	881	124	120

* Based on approved PUD plan

Typical Uses in Proposed Zoning District: RS10 with PUD

Land Use (ITE Code)	Acres	Units Per Acre	Total # of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	38.44	3.7	121*	1,158	*	*

*Based on proposed PUD plan

METRO SCHOOL BOARD REPORT

Projected student generation: 20 Elementary 12 Middle 13 High

Schools Over/Under Capacity: Students would attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. Alex Green Elementary and Ewing Park Middle schools have been identified as

being over capacity by the Metro School Board. There is capacity at an elementary and middle school within the Whites Creek cluster. This information is based upon data from the school board last updated January 16, 2004.

COMMENTS

1. A condition addressing Metro Public Works conditions has been placed in the associated PUD staff report.

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

[Note: Items #5 and #6 were discussed by the Metropolitan Planning Commission together. See Item #6 for actions and resolutions.]

6. **2004P-012U-03**
Parmley Cove
Map 49, Parcel 185
Subarea 3 (1998)
District 3 (Hughes)

A request to cancel an undeveloped Commercial Planned Unit Development (88-42-P), located abutting the east margin of Whites Creek Pike, north of Green Lane, (12.8 acres), approved for a 80,000 square foot office and retail development, and to approve a Residential Planned Unit Development with 121 single-family lots, classified RS15, RS20, SCN and proposed for RS10, (38.44 acres), requested by Dale and Associates for Ingram Parmley, owner. (See Zone Change Proposal No. 2004Z-056U-03). (Deferred from meeting of June 10, 2004).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Cancel PUD & New PUD

Request to cancel an existing, unbuilt, preliminary Planned Unit Development (88P-042G-03) that has already been partially cancelled, and a request to approve a new preliminary Planned Unit Development overlay to allow for the development of 121 single-family lots on 38.44 acres. The property is located along the east side of Whites Creek Pike, approximately two-thirds of a mile north of Briley Parkway.

PLAN DETAILS

History: The original residential PUD (88P-042G-03) was adopted by the Metro Council in 1988, and encompassed a larger land area than the 38.44-acre parcel affected by this request. A portion of the PUD was previously cancelled in 1991, which was approved for single-family residential homes.

Site Design: The applicant is requesting to cancel the remaining portion of the existing PUD – all of which is located within the SCN district along Whites Creek Pike. The new PUD plan proposes 121 single-family homes on the entire site.

Access & Connectivity: Access to the site is provided via a new public street from Whites Creek Pike. A stub street connection is being provided to the north, and to the south, for future development, but no connections have been provided to the east due to topographical constraints and land areas designated as Natural Conservation.

METRO PUBLIC WORKS' RECOMMENDATIONS - Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS):

1. Construct project access road with two exiting 12-foot wide lanes and one entering 12-foot wide lane. Left turn lane shall have 50 feet of storage with transition per AASHTO standards.
2. Construct 12-foot wide southbound left turn lane on Whites Creek Pike (WCP) at the project access with 100 feet of storage and transition per AASHTO standards.
3. Construct 12-foot wide northbound right turn lane on WCP at the project access with 100 feet of storage and transition per AASHTO standards.

4. Provide adequate sight distance for the access road. Remove vegetation along east side of WCP to provide a minimum 425 feet of sight distance. Locate access road at crest of hill and submit sight triangles and road profile in conjunction with the PUD construction drawings.
5. Provide pedestrian and bike access to future Greenway west of site and future bike lanes on WCP.
6. Dedicate or reserve ROW for the U4 and right turn lane on WCP.

CONDITIONS

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This preliminary plan approval for this 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.
3. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.

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

Mr. Roy Dale, applicant, spoke in favor of the proposal.

Ms. Lori Little, 3623 Whites Creek Pike, spoke in opposition to the proposal.

Ms. Kelly Bamburger, 3623 Whites Creek Pike, spoke in opposition to the proposal.

A resident of 3616 Whites Creek Pike spoke in opposition to the proposal.

Council Lady Baldwin Tucker reiterated the fact that Councilmember Hughes will be holding additional community meetings regarding this proposal before it is presented to Council for action.

Mr. Lawson requested additional clarification regarding the history of this proposal.

Mr. Small commented on the improvements made to the proposal and moved for approval.

Ms. Cummings requested clarification on the conditions placed on the development.

Mr. Small moved and Mr. McLean seconded the motion to approve Zone Change 2004Z-056U-03, and the cancellation of the preliminary Planned Unit Development 88P-042G-03, and to approve with conditions, the Planned Unit Development 2004P-012U-03. **(10-0)**

Resolution No. 2004 –230

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004z-056U-03 is **APPROVED. (10-0)**

The proposed RS10 district is consistent with the Bordeaux-Whites Creek Community Plan’s Residential Low Medium (RLM) policy calling for residential development at two to four dwelling units per acres. The associated PUD (2004P-012U-03) proposes an overall density of 3.14 dwellings/lots per acre while the policy allows up to four dwelling units per acre.”

Resolution No. 2004 –231

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-012U-03 is **APPROVED CANCELLATION OF REMAINING COMMERCIAL PLANNED UNIT DEVELOPMENT AND APPROVED WITH CONDITIONS THE ADOPTION OF A NEW PRELIMINARY PLANNED UNIT DEVELOPMENT. (10-0)**”

The Commission recessed at 5:45 p.m.

Ms. Cummings left the meeting at 5:35 p.m.

The Commission resumed at 6:00 p.m.

-
7. **2004Z-059G-13**
Map 165, Parcel 128
Subarea 13 (2003)
District 32 (Coleman)

A request to change from AR2a to CS district property located at 4046 LaVergne Couchville Pike, south of Hamilton Church Road, (5.15 acres), requested by Laura Digan, applicant, Randall Tidwell, owner. (Deferred from meeting of June 24, 2004).

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-059G-13 to July 22, 2004. (10-0)

**VIII. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

8. **2004Z-061U-14**
Map 95-3, Parcel 23
Subarea 14 (1996)
District 15 (Loring)

A request to change from OL to OG district properties located within an existing Planned Unit Development, at 1 Bridgestone Park, abutting the west margin of Briley Parkway, (4.93 acres), requested by Lisa Kennicott, International Academy of Design & Technology, Inc., applicant, Bridgestone, Inc., owner. (See PUD Proposal No. 99-85-P-14).

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 4.93 acres from office limited (OL) to office general (OG) as part of a request to amend an existing Planned Unit Development. The property is located along the south side of Lebanon Pike, adjacent to the Briley Parkway access ramp, and east of Craigmeade Drive.

Existing Zoning

OL district - Office Limited is intended for moderate intensity office uses.

Proposed Zoning

OG district - Office General is intended for moderately high intensity office uses.

SUBAREA 14 PLAN

Office Concentration (OC)OC is a policy category intended for existing and future large concentrations of office development. Other than the Central Business District (CBD), the OC policy is generally intended to be applied to selected areas envisioned to be major office submarkets. In particular, this area of OC policy applies to the small committed area of office development that has been approved as part of this 1985, PUD. Office development should continue to be supported in this area guided by the policies for office concentrations.

Policy Conflict - No. The associated PUD is requesting to be amended to allow a technical college / university to move into the existing, vacant, 67,000-sqaure foot Bridgestone building. The current zoning of OL does not allow a college or university, but the OG zoning allows that use by right. The OG zone district is consistent with the guiding policies set forth for Office Concentration (OC) land use policy.

RECENT REZONINGS - No

TRAFFIC

Metro Public Works Recommendation: No exception taken.

Typical Uses in Existing Zoning District: OL with existing PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.71	0.05	213567*	2350	331	319

*Existing Approved PUD

Typical Uses in Proposed Zoning District: OG

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Jr college 540	3.71	0.30	213,367	5866	639	542_

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+3516	+307	+224

Maximum Uses in Existing Zoning District: OL with existing PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.71	0.05	213,367*	2350	331	318

*Existing Approved PUD

Maximum Uses in Proposed Zoning District: OG

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.71	1.5	242,411*	2669	376	362

*adjusted for type of use

Change in traffic between Maximum Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			+319	+45	+44

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

[Note: Items #8 and #9 were discussed by the Metropolitan Planning Commission together. See Item #9 for actions and resolutions.]

- 9. **99-85-P-14**
 Briley Corners PUD
 Map 95-03, Parcel 23
 Subarea 14 (1996)
 District 15 (Loring)

A request to amend a portion of the Commercial Planned Unit Development located at 1 Bridgestone Park, along the west side of Briley Parkway and the south side of Lebanon Pike, classified OL and proposed for OG, (4.93 acres), to

allow for a college or university use in the existing 67,516 square foot building, requested by Littlejohn Engineering, for Bridgestone, Inc, owner, and Boyle Craigmear LP, optionee. (See Zone Change Proposal No. 2004Z-061U-14)

Staff Recommendation - Approve

APPLICANT REQUEST

Amend PUD - Request to amend the existing preliminary Planned Unit Development to allow for a college or university use within the existing 67,516-square foot vacant building, which is located along the south side of Lebanon Pike, adjacent to the Briley Parkway access ramp, and east of Craigmear Drive.

PLAN DETAILS

Site Plan - The proposed amendment proposes no changes to the existing building on the site and no changes to the exterior of the building. Interior remodeling will most likely occur, but the proposed Academy of International Design & Technology College proposes only to inhabit the existing facility.

ZONING

OL District - Office Limited is intended for moderate intensity office uses.

Proposed Zone Change to OG - Office General is intended for moderately high intensity office uses. The proposed college must request this associated zone change as part of the PUD amendment since the current base zone of OL does not allow for colleges or universities. The OG zone district allows them by right and without conditions.

METRO PUBLIC WORKS' FINDINGS - No exceptions taken

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

Ms. Marianne VanderVoort, 2220 Craigmear Drive, spoke in opposition to the proposal.

Ms. Ann Cox, 236 Craigmear Drive, spoke in opposition to the proposal.

Mr. Russ Willis, attorney, spoke in favor of the proposal.

Mr. Loring stated he attended a Community meeting regarding this proposal and announced to his constituents that he will vote to approve at the Planning Commission level, but will be seeking approval from the majority of the Community before it is presented to Council for approval.

Mr. Small requested clarification on the land uses of OG and OL.

Mr. Loring moved, and Ms. Jones seconded the motion, which passed unanimously to approve Zone Change 2004Z-061U-14, as well as approve the amendment to the existing preliminary Planned Unit Development 99-85-P-14 to include limiting uses to only those uses permitted in the OL district plus college and/or universities. **(9-0)**

Resolution No. 2004 –232

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-061U-14 is **APPROVED. (9-0)**

The proposed OG district is consistent with the Subarea 14 Plan’s Office Concentration (OC) policy. There is an associated PUD amendment (99-85-P-14) that would restrict its use to all uses permitted in the OL zone district and only the technical college/university use permitted in the OG district.”

Resolution No. 2004 –233

“BE IT RESOLVED by the Metropolitan Planning Commission that 99-85-P-14 is **APPROVED (9-0), including limiting uses in the OL District and allowing for a college or university use to be permitted.”**

-
- 10. 2004Z-089G-14**
Map 98, Parcel 195
Subarea 14 (1996)
District 12 (Gotto)

A request to change from RS15 to AR2a district property located at John Hager Road (unnumbered), east of Earhart Road, (5.03 acres), requested by James C. McPherson, applicant/owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 5.03 acres from residential single-family (RS15) to agricultural/residential (AR2a) district located at John Hager Road (unnumbered).

Existing Zoning

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The RS15 district currently would allow for approximately 12 dwelling units total on this site.

Proposed Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This AR2a district would allow for approximately 2 dwelling units total on this site.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - The proposed AR2a district is not entirely consistent with the Subarea 14 Plan’s RLM policy; however, it downzones the property to a less intense zoning district. The RLM policy is intended for residential development at a density of two to four dwelling units per acre and the AR2a falls below this density range. The AR2a district allows for one dwelling unit per two acres while the RS15 district allows for 2.47 dwelling units per acre. It will also reduce the impact on schools and public infrastructure in the area.

RECENT REZONINGS - There was a request for a zone change and preliminary Planned Unit Development on property to the west of Earhart Road on May 13, 2004. The Planning Commission recommended approval of the zone change request from AR2a to R15 and approval with conditions on the Bridgewater preliminary PUD request.

TRAFFIC

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

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	5.03	3.7	19	182	23	20

Typical Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	5.03	0.5	2	20	2	2

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				-162	-21	-18

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –234

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-089G-14 is **APPROVED. (10-0)**

The proposed AR2a is not entirely consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy; however, it downzones the property to a less intense zoning district. The AR2a district is intended for agricultural and residential uses with one dwelling unit per two acres, while the RLM policy is intended for residential development at a density of two to four dwelling units per acre. Therefore, the AR2a falls below this density range and would also reduce the impact on schools and public infrastructure in the area. Further, the AR2a district does not prevent the property from being developed in the future at the two to four dwelling units per acre called for under the RLM policy.”

- 11. **2004Z-090G-12**
Map 174, Portion of Parcel 6
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a to RS10 district a portion of property located at 5748 Pettus Road, on the west side of Preston Road, (26 acres), requested by Rob Porter, Civil Site Design Group, applicant for Martha S. Wisener, owner.

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

Mr. Steve Abernathy, 5929 Pettus Road, spoke in opposition to the proposal.

Mr. Charles Brown, 863 Preston Road spoke in opposition to the proposal.

Ms. Judy Mosley, 817 Preston Road, spoke in opposition to the proposal.

Mr. Rick Harrington, 5622 Pettus Road, spoke in opposition to the proposal.

Mr. Mike Jones, 5923 Pettus Road, spoke in opposition to the proposal.

Mr. Dudley Smith, spoke in favor of the proposal.

Councilmember Coleman requested that this item be deferred due to additional issues and concerns associated with its approval. He expressed concerns regarding its relation to the subarea plan as well as the additional hardships this development would place on the schools within the area.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to defer Zone Change 2004Z-090G-12 to August 12, 2004. **(9-0)**

The Metropolitan Planning Commission DEFERRED this item to the August 12, 2004 meeting. (9-0)

12. **2004Z-091G-14**
Map 86, Parcel 164
Subarea 14 (1996)
District 12 (Gotto)

A request to change from RS15 to RM6 district property located at 4131 Andrew Jackson Parkway, approximately 240 feet south of Stoners Glen Road, (8.5 acres), requested by Gresham-Smith and Partners, applicant for Unity Center for Positive Living, Inc., owner. (See PUD Proposal No. 2004P-019G-14).

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 8.5 acres from residential single-family (RS15) to residential multi-family (RM6) district at 4131 Andrew Jackson Parkway.

Existing Zoning

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. This district allows for approximately 21 dwelling units currently on this site.

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. This district would allow for approximately 51 dwelling units on this site.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - The proposed RM6 district is consistent with the current Subarea 14 Plan for this area. The mapped RLM policy is intended for residential development within a density range of two to four dwelling units per acre. The subarea plan also states, however, that there is “an unmapped policy for medium density development intended to be applicable to small isolated locations along arterial streets within areas of mapped RLM policy” (p.57). The plan also states that such proposals “should be considered on their merits on a case-by-case basis.”

This property is along an arterial street (Andrew Jackson) and will also have access from the relocation of another arterial street (Chandler Road). There are residential multi-family zoning districts surrounding this property. The associated PUD plan (2004P-019G-14) proposes a density of 4.66 dwelling units per acre which is the low end of the Residential Medium policy density range of four to nine dwelling units per acre.

The draft community plan for this area also calls for Single Family Attached and Detached in Neighborhood General in which the RM6 would be consistent with the policy since there is an associated PUD plan (2004P-019G-14).

RECENT REZONINGS - A portion of parcel 105 to the northeast was rezoned in July 2003, by Council. The Planning Commission recommended approval in June 2003. Portions of 146, 054, and 148 were rezoned from RS15 to RM2 in May 1999, by Council. The Planning Commission recommended approval in April 1999.

TRAFFIC

A Traffic Impact Study will be required to determine if mitigations are necessary due to the additional traffic generated by the proposed development.

A new site plan and TIS was submitted on 6/25/04. This new site plan reflects the recommendations of the TIS. These recommendations include future changes to the site that will be required when Chandler Road is relocated.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached ()	8.5	2.47	21	201	16	22

Typical Uses in Proposed Zoning District: RM6 with PUD

Land Use (ITE Code)	Acres	Units Per Acre	Total Units Per Acre	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome ()	8.5	6	51*	299	23	27

*Max allowed by RM6 zoning PUD proposes Assisted Living and townhomes, but for purposes of density assisted-living is counted at a 3:1 ratio.

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	Units Per Acre	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			+30	+98	+7	+5

METRO SCHOOL BOARD REPORT

Projected student generation 6 Elementary 4 Middle 3 High

Schools Over/Under Capacity Students would attend Dodson Elementary School, Donelson Middle School, or McGavock High School. Donelson has been identified as being over capacity by the Metro School Board. There is capacity at a middle school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 -235

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-091G-14 is **APPROVED. (10-0)**

The proposed RM6 district is consistent with the Subarea 14 Plan’s unmapped Residential Medium (RM) policy intended to be applicable to small isolated locations along arterial streets within areas of mapped RLM policy. The RM policy is intended for residential development at a density of four to nine dwelling units per acre while the RLM policy is intended for residential development at a density of two to four dwelling units per acre. With the future relocation of Chandler Road, this property would be a small isolated location along two arterial streets.”

- 13. **2004P-019G-14**
Hermitage Senior Living
Map 86, Parcel 164
Subarea 14 (1996)
District 12 (Gotto)

A request for preliminary approval for a Planned Unit Development district located at 4131 Andrew Jackson Parkway, south of Stoner's Glen Road, (8.5 acres), classified RS15 and proposed for RM6, to permit a 47 rooming unit assisted-living facility and 24 townhomes, requested by Gresham-Smith and Partners, for Unity Center for Positive Living, Inc., owner. (See Zone Change Proposal No. 2004Z-091G-14).

Staff Recommendation - Approve

APPLICANT REQUEST

Preliminary PUD Request to adopt a new Preliminary PUD to permit a 47 rooming unit/16 dwelling unit assisted-living facility and 24 townhomes. The property is located at 4131 Andrew Jackson Parkway, north of Chandler Road.

PLAN DETAILS - The proposed plan calls for a total of 40 dwelling units on this site. The plan proposes 47 rooming units or 16 dwelling units (47 rooming units/3 beds) for the assisted-living facility and 24 townhome units. Access is provided from Andrew Jackson Parkway and a future access drive is proposed from the future relocation of Chandler Road. The assisted-living facility is oriented towards Andrew Jackson Parkway while the townhomes are to the rear of the property. The access drive splits into a one-way drive around the assisted-living facility with the townhomes and the parking spaces oriented towards the one way drive. There is also a pavilion and covered parking spaces proposed.

The plan does meet landscaping buffer yard and parking requirements. The property is adjacent to RS15 zoning on both sides which would require a “B” type landscape buffer yard. The plan proposes a 10-foot buffer yard which is consistent with the standard “B” landscape buffer yard requirement. There are also 70 parking spaces proposed, while 69 are required. The assisted-living facility would require 21 spaces while the townhome units would require 1 space per bedroom up to 2 bedrooms and .5 for each additional bedroom. The plan proposes 2 spaces per unit, and all units are to be no more than 2 bedroom units.

Sidewalks are provided on Andrew Jackson Parkway and within the development.

ZONING & LAND USE POLICY

RS15 - This request for preliminary PUD approval is associated with a zone change request to change from RS15 to RM6 to allow for the development of the townhouses.

Subarea 14 RLM & Unmapped RM Land Use Policy - The RLM policy calls for residential development at 2 to 4 dwelling units per acre, however, there is an unmapped RM policy for small, isolated areas that are along an arterial street. The Residential Medium is intended for residential development at a density of four to nine dwelling units per acre. This PUD plan proposes an overall density of 4.66 dwelling units per acre, which is within the density range of the unmapped RM policy.

Staff Recommendation - Staff recommends approval of the PUD. The unmapped RM policy allows for the 4.66 dwelling units per acre proposed by the PUD plan since it is along Andrew Jackson Parkway and Chandler Road, which are both arterial streets. It also meets all zoning and subdivision requirements.

METRO PUBLIC WORKS’ COMMENTS

A new site plan and TIS was submitted on 6/25/04. This new site plan reflects the recommendations of the TIS. These recommendations include future changes to the site that will be required when Chandler Road is relocated.

Therefore, Traffic recommends approval of the Zone Change and the PUD.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –236

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-019G-14 is **APPROVED. (10-0)**”

- 14. **2004Z-093U-14**
Map 108-01, Parcel 54
Subarea 14 (1996)
District 14 (White)

A request to change from RS10 to MUL district property located at 2874 Elm Hill Pike, approximately 350 feet north of Shauna Drive, (0.55 acres), requested by Ross Starnes or Vanessa Saenz, owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-093U-14 indefinitely. (10-0)

15. 2004Z-094U-10
 Map 131-04-B, Parcel 003CO
 Subarea 10 (1994)
 District 25 (Shulman)

A request to change from R10 to RS7.5 district property located at 4302 Parkview Circle, approximately 170 feet north of Glenwood Avenue, (0.37 acres), requested by Dale & Associates, applicant for Parkview Partners, owner. (See PUD Proposal No. 2004P-017U-10).

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 0.37 acres from residential (R10) to residential (RS7.5) as part of a requested new Planned Unit Development. The property is located along the east side of Parkview Circle, approximately 420 feet south of Granny White Pike.

Existing Zoning

R10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family and duplex dwellings at a density of 3.7 dwelling units per acre.

Proposed Zoning

RS7.5 district - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

SUBAREA 10 PLAN

Residential Low-Medium (RLM) - RLM policy is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. The predominant development type in RLM areas is single-family, although some townhomes and other forms of attached housing may be appropriate. The Subarea 10 Plan specifically states that the intent is to promote development in accordance with the standard RLM policies.

Policy Conflict - Yes. The associated PUD plan proposes to develop a 2-lot subdivision where each lot would be 7,500 square feet. The RLM policy allows for a density range of 2 to 4 dwelling units per acre, while the RS7.5 zone district allows a density of 4.94 lots per acre. The RS7.5 density is slightly over the 4 unit maximum and the proposed lot size of 7,500 square feet is inconsistent with the character and lot sizes of the surrounding area.

RECENT REZONINGS - Yes. There was a rezoning request to rezone all of the surrounding properties from R10 to RS10. The Planning Commission recommended approval of that request and it is scheduled to go to the July 6, 2004 Council Public Hearing.

TRAFFIC

Metro Public Works Recommendation: No exception taken.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units per acre	Total number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached ()	0.37	3.7	1	10	1	2

Typical Uses in Proposed Zoning District: RS7.5

Land Use (ITE Code)	Acres	Units Per acre	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached ()	0.37	4.94	2	20	2	3

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	Units per acre	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			+1	+10	+1	+1

SCHOOLS - The proposed rezoning and PUD do not create an increase in students over the existing R10 zoning district.

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

[Note: Items #15 & #16 were discussed by the Metropolitan Planning Commission together. See Item #16 for actions and resolutions.]

- 16. 2004P-017U-10**
 Parkview Circle PUD
 Map 131-04-B, Parcel 003CO
 Subarea 10 (1994)
 District 25 (Shulman)

A request for preliminary approval for a Planned Unit Development district located at 4302 Parkview Circle, south of Frances Avenue, classified R10 and proposed for RS7.5, (0.37 acres), to permit two single-family lots, requested by Dale and Associates for Parkview Partners, owner. (See Zone Change Proposal No. 2004Z-094U-10).

Staff Recommendation - *Disapprove*, since the Metro Subdivision Regulations discourage the use of flag lots and because the proposed lot sizes are inconsistent with the current Subarea 10 Plan.

APPLICANT REQUEST

Preliminary PUD - Request to adopt a new preliminary Planned Unit Development to allow for the development of a 2-lot subdivision on an 18,000-square foot site located along the east side of Parkview Circle, and approximately 420 feet south of Granny White Pike.

PLAN DETAILS

Site Plan - The proposed PUD plan creates one 7,500-square foot lot (Lot 1) and one 7,800-square foot lot (Lot 2). Both lots would be “stacked” within the larger tract and a flag lot would be created for the 7,800-square foot lot. Each lot proposes a 2,600-square foot, two-story, residential structure. Because this subdivision is proposed as a PUD, 15% open space is required as part of the plan. This has been accomplished by providing a 2,700-square foot common space area in the southeast corner of the site, just south of Lot 2.

Subdivision Regulations’

Discouragement of Flag Lots - Pursuant to Sec. 2-4.2(A), the Subdivision Regulations state that flag lots generally shall not be permitted. There are instances where staff has recommended approval of flag lots in cases of topographic constraints or cases where the new subdivision’s impact would be minimal on the surrounding neighborhood. However, that is not the case in this instance since the tract is located within the RLM land use policy. The RLM policy calls for densities of 2 to 4 units/lots per acre. That density range calls for zone districts not to exceed the R or RS10 district. The proposed zone district of RS7.5 allows for a density of 4.94 units/lots per acre.

Surrounding Lot Averages The average size of lots that either abut the subject site on the north or south, abut on the rear, or are across Parkview Circle are approximately 13,765 square feet or .32 acres. Those surrounding lots are 3,700 square feet larger than the base zone district of R10. The lots, as proposed, would simply meet the 7,500-square foot minimum.

METRO PUBLIC WORKS’ FINDINGS - No exceptions taken

CONDITIONS

- 1. If ultimately adopted by the Metro Council, a final plat / PUD boundary plat needs to be recorded prior to the issuance of any building permits.
- 2. If ultimately adopted by the Metro Council, a sidewalk shall be constructed along the frontage of both new lots in accordance with current Metro Public Works’ design standards.
- 3. This preliminary plan approval 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.

Mr. Mitchell presented and stated that staff is recommending disapproval, since the Metro Subdivision Regulations discourage the use of flag lots and because the proposed lot sizes are inconsistent with the current Subarea 10 Plan.

Mr. John Russell, 4304 Parkview Circle, spoke in favor of the proposal.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in favor of the proposal.

Ms. Nielson expressed concerns regarding approving this proposal and the precedent it would set for other parcels in the area and the inconsistencies it contains in relation to the Subarea plan.

Mr. McLean acknowledged the concerns raised by the constituents and suggested the Commission approve the development.

Mr. Clifton agreed with staff recommendation that they could not approve this development from a planning perspective.

Mr. Small commented on the issue of spot zoning and its relation to this development.

Mr. Loring stated he was in support of the proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, to disapprove Zone Change 2004Z-094U-10 and preliminary Subdivision Plat 2004P-017U-10. **(7-2) No Votes – Loring, McLean**

Resolution No. 2004 –237

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-094U-10 is **DISAPPROVED. (7-2)**

The RS7.5 district is not consistent with the Residential Low Medium (RLM) policy intended for residential development at a density of two to four dwelling units per acre. The RS7.5 district allows a density of 4.94 dwellings per acre which is over the 4 unit maximum of the RLM policy and the proposed lot size of 7,500 square feet is inconsistent with the character and lot sizes of the surrounding area.”

Resolution No. 2004 –238

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-017U-10 is **DISAPPROVED. (7-2)**”

IX. PRELIMINARY SUBDIVISION PLATS

- 17. **2002S-278G-13**
Arbor Crest Subdivision
Map 137, Parcels 9 and 91
Subarea 13 (2003)
District 33 (Bradley)

A request to revise a condition of the 11/14/2002 approval, naming Metro Water Services as the utility district for an alternative sewer system, of a preliminary plat for 66 lots abutting the west margin of Bakers Grove Road, opposite

Granny Wright Lane, (47.56 acres), classified within the RS15 districts, requested by Michael R. and Peggy D. Schroer, owners/developers, T Square Engineering, surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2002S-278G-13 to July 22, 2004. (10-0)

18. **2004S-203U-13**
Moss Property
Map 164, Parcels 66, 193 and 196
Subarea 13 (2003)
District 33 (Bradley)

A request for preliminary plat approval to create 277 lots abutting the south margin of Mt. View Road and the north margin of Pin Hook Road, (76 acres), classified within the RS10 and RM9 districts, requested by Global Development, Inc., owner/developer, MEC, Inc., surveyor.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat - Subdivide acres into a 277 lot single-family cluster subdivision on 76.91 acres located at the south side of Mt. View Road and the north side of Pin Hook Road.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and intended for single family dwellings at an overall density of 3.7 dwelling units per acre.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 25.59 acres (33%) of open space. Much of the open space is located in streams and stream buffers.

SUBDIVISION DETAILS - The applicant has set aside a greenway easement in compliance with the Antioch-Priest Lake Community Plan. This will provide an interconnected green space system for the larger community. This development is part of the 375.52 acre “Windhaven Shores” rezoning in the Antioch area from the summer of 2002 (ORDINANCE NO. BL2002-1148 and 2002Z-071G-13).

School Site Dedication - The rezoning was conditioned that prior to final plat approval, 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. This school is under construction and will open this fall.

PUBLIC WORKS RECOMMENDATION

Approve with the following conditions:

1. Construct a 3 lane road cross section on Mt. View Road, with a continuous center left turn lane from Hamilton Church Road to the access Road A intersection, transitioning at this intersection per AASHTO standards. At time of development, the storage lengths for dedicated left turn lanes at Hamilton Church Road and at access Road A shall be determined.
2. Construct 2 exit lanes and 1 entering lane at Road A. The exit lanes shall provide 100 feet of storage. Document adequate sight distance.
3. Road M shall be redesigned with a cul-de-sac at Mt View Road and Road N shall be designed as the only access point on Mt. View Road. Align with any nearby driveways on opposite side of road. Document adequate sight distance.

4. Subject to construction plans review and approval by Public Works.

CONDITIONS

1. All conditions listed in the Public Works recommendations shall be required.
2. If existing vegetation is to be used to satisfy the required landscape buffer yard requirements of the Zoning Code, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.
3. Sidewalks are required on both sides of the streets in this subdivision and the detail on the preliminary plat needs to be updated to reflect this.
4. A flood study will be required by Stormwater prior to grading plan review and lots may be lost pending the outcome of the review.
5. The approximate 100-yr floodplain line needs to be shown on the preliminary plat.

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

Mr. Tom White, attorney, spoke in favor of the proposal.

Ms. Mary Scott, 5995 Mt. View Road, spoke in opposition to the proposal.

Ms. Mary Catherine Chip, spoke in opposition to the proposal.

Mr. George Benham, spoke in opposition to the proposal.

Mr. Samuel Thompson, 6151 Mt. View Road, spoke in opposition to the proposal.

Mr. Al Bender, 5980 Mt. View Road, spoke in opposition to the proposal.

Mr. Tyler expressed concerns on approving development within an area in which additional growth will hinder the existing community.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously to approve preliminary Subdivision Plat 2004S-203U-13. **(9-0)**

Resolution No. 2004 –239

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-203U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Construct a 3 lane road cross section on Mt. View Road, with a continuous center left turn lane from Hamilton Church Road to the access Road A intersection, transitioning at this intersection per AASHTO standards. At time of development, the storage lengths for dedicated left turn lanes at Hamilton Church Road and at access Road A shall be determined.
2. Construct 2 exit lanes and 1 entering lane at Road A. The exit lanes shall provide 100 feet of storage. Document adequate sight distance.
3. Road M shall be redesigned with a cul-de-sac at Mt View Road and Road N shall be designed as the only access point on Mt. View Road. Align with any nearby driveways on opposite side of road. Document adequate sight distance.
4. Subject to construction plans review and approval by Public Works.

5. If existing vegetation is to be used to satisfy the required landscape buffer yard requirements of the Zoning Code, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.
6. Sidewalks are required on both sides of the streets in this subdivision and the detail on the preliminary plat needs to be updated to reflect this.
7. A flood study will be required by Stormwater prior to grading plan review and lots may be lost pending the outcome of the review.
8. The approximate 100-yr floodplain line needs to be shown on the preliminary plat.”

The Commission members briefly discussed the issue of approving development within Nashville and the growth capacity of the area.

19. 2004S-205U-03
 Curtis Place
 Map 70-09, Parcels 38 and 51
 Subarea 3 (1998)
 District 2 (Isabel)

A request for preliminary plat approval to create 10 lots abutting the north margin of Curtis Street, approximately 300 feet west of Alpine Avenue, (2.86 acres), classified within the R10 district, requested by Bordeaux Community Development Corporation, owner/developer, Dale & Associates, surveyor.

Staff Recommendation - *Approve, with conditions.*

APPLICANT REQUEST - Preliminary Plat

Request to create 10 lots on 2.86 acres abutting the north side of Curtis Street, approximately 300 feet west of Alpine Avenue.

ZONING

R10 District - R10 district, requiring a minimum lot size of 10,000 square feet single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. None of the lots have been identified as duplex lots.

CLUSTER LOT OPTION - The purpose of the cluster lot option is to provide for flexibility of design, the creation of common open space, the preservation of natural features or unique of significant vegetation. This proposal appears to do none of the above. Staff recommends that lot 4 be converted to common open space to comply with the purpose of the cluster lot option.

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of R10 (minimum 10,000 sq. ft. lots) to R6 (minimum 6,000 sq. ft. lots).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 22,500 square feet (18%) of open space but the majority of this is located in the required landscape buffer yards adjacent to developed properties.

PUBLIC WORKS RECOMMENDATION - No exception taken. Approvals are subject to construction plan approval.

CONDITIONS

A revised plat needs to be submitted by 7/22/04 showing the following:

1. A sidewalk, with curb and gutter, is required along Curtis Street.
2. Add Subdivision Number 2004S-205U-03.

3. Cite what North bearings reference is being utilized.
4. Provide usable open space preferably converting lot 4 to common open space.

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

Resolution No. 2004 –240

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-205U-03 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. A sidewalk, with curb and gutter, is required along Curtis Street.
2. Add Subdivision Number 2004S-205U-03.
3. Cite what North bearings reference is being utilized.
4. Provide usable open space preferably converting lot 4 to common open space.”

- 20. 2004S-206G-03**
 Bell Grimes
 Map 41, Parcel 67
 Subarea 3 (1998)
 District 2 (Isabel)

A request for preliminary plat approval to create 39 lots abutting the northeast corner of Brick Church Pike and Bell Grimes Land, (21acres), classified within the RS20 district, requested by Nadine Cummings, owner, Dale & Associates, surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2004S-206G-03 to July 22, 2004. (10-0)

X. FINAL SUBDIVISION PLATS

- 21. 2004S-191U-05**
 Maplewood Home Tract, 1st Revision of Lot 62
 Map 61-15, Parcel 20
 Subarea 5 (1994)
 District 8 (Hart)

A request to subdivide an existing parcel (parcel 20) into 2 lots and request for a variance to the lot depth-to-width ratio property located along the east side of Burrus Street, approximately 790 feet west of Gallatin Pike, requested by William Crenshaw, surveyor and applicant, for Sue B. Shaw, owner.

Staff Recommendation - Approve, including a sidewalk variance and a variance for depth to width.

APPLICANT REQUEST

Final Plat - Subdivide one existing 22,500 square foot lot into 2 lots, located along the east side of Burrus Street, approximately 790 feet west of Gallatin Pike.

ZONING

RS7.5 District - RS7.5 district, requiring a minimum lot size of 7,500 square feet and intended for single family dwellings at an overall density of 4.94 dwelling units per acre.

SUBDIVISION DETAILS

Both of the proposed lots pass the comparability requirements for 46.5 feet of frontage and 9,118 square feet of area.

The Subdivision Regulations specify a depth to width ratio of 4:1. This proposal fails that test because the lots are more than four times deeper than they are wide. The lots are 47.4 feet by 225 feet and 52.6 feet by 225 feet and are in keeping with the character of the east side of Burrus street. The 6 consecutive lots to the north of this proposal also fail the 4:1 requirement.

SIDEWALK VARIANCE -The applicant has requested a sidewalk variance along Burrus Street. The stated reason for the request is the there currently are no sidewalks on Burrus Street and the hardship of reconstructing a 47.4 foot length of street to include curb, gutter and drainage structures.

Staff recommends approval of the sidewalk variance. A section of sidewalk approximately 47.4 feet in length will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

PUBLIC WORKS RECOMMENDATION - No exception taken.

CONDITIONS

Parcel number needs to be added to the lots. Lot 62A needs to be marked as Parcel 401. Lot 62B will remain parcel 20.

Approved, including a sidewalk variance and a variance for depth to width **(10-0)**, *Consent Agenda*

Resolution No. 2004 –241

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-191U-05 is **APPROVED, INCLUDING A SIDEWALK VARIANCE AND A VARIANCE FOR LOT DEPTH TO WIDTH RATIO. (10-0)**”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 22. **84-74-G-14**
Marriott Hotel Nashville Airport Commercial PUD
Map 107, Parcel 115
Subarea 14 (1996)
District 15 (Loring)

A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development district located along the north side of Marriott Drive, (1.44 acres), classified ORI, to permit an 8,300 square foot daycare use, where a 4-story, 38,500 square foot office building is currently approved, requested by John Werne, Architect, for Telco Research Corporation, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary and Final PUD

A request to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial PUD plan located along the north side of Marriott Drive, west of Ermac Drive to permit an 8,300 square foot day care center for over 75 occupants, replacing a 4-story, unbuilt, office building.

PLAN DETAILS - The proposed plan utilizes the same driveway access points as the existing, approved plan for a 4-story office building. Therefore, staff supports the revised plan using those same access points.

The proposed day care center will have a capacity of over 75, as defined by the Metro Zoning Code, and meets the following Zoning Code standards.

ORI district - Day Care Centers (Over 75 occupancy) are permitted with conditions (PC) in the ORI district.

Zoning Code Requirements - 17.16.035 Institutional uses. (Day Care Center--Over 75)

Circulation. - At a minimum, a circular driveway shall be provided with a separate entrance and exit, clearly marked as such, and where cars can be temporarily parked to escort children into and out of the day care facility, while not blocking other cars that want to exit using the circular driveway. To ensure optimum circulation, all parking spaces on the circular driveway shall be parallel parking spaces to prevent cars being backed-up into the flow of exiting traffic.

Where the facility is located within a mixed-use building on the same property, the zoning administrator may waive the circulation standard provided the applicant can demonstrate, to the zoning administrator's satisfaction that the standard should not apply due to specific site or use characteristics.

1. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
2. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.
3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
4. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location. (Ord. 98-1268 § 1 (part), 1998)

METRO PUBLIC WORKS' COMMENTS

1. Label right of way width and distance to centerline.
2. Submit trip generation comparison between existing, approved land use and daycare.
3. Preliminary comments include driveways are not compliant with regulations. Additional median cuts will not be granted. Locate distance between driveways and intersections and locate driveways on opposite side of Marriott Drive.

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

Resolution No. 2004 -242

“BE IT RESOLVED by the Metropolitan Planning Commission that 84-74-G-14 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. Label right of way width and distance to centerline.
2. Submit trip generation comparison between existing, approved land use and daycare.
3. Preliminary comments include driveways are not compliant with regulations. Additional median cuts will not be granted. Locate distance between driveways and intersections and locate driveways on opposite side of Marriott Drive.

-
- 23. 103-80-U-12**
Barnes Crossing (formerly Monte Carlo Square)
Map 173, Parcel 116
Subarea 12 (1997)
District 31 (Toler)

A request to revise the preliminary plan for the Residential Planned Unit Development district located at Barnes Road (unnumbered) along the north side of Barnes Road, opposite Barnes Cove Drive, (43.03 acres), classified R10, to permit 278 townhomes, replacing 280 apartment units, requested by Anderson-Delk and Associates, Inc., for Vernon Williams, III, trustee.

Staff Recommendation - *Approve with conditions*, including a sidewalk variance along Barnes Road with a condition that a sidewalk be constructed within a 5-foot wide public pedestrian easement, as previously approved along Barnes Road

APPLICANT REQUEST

Amend PUD - Request to revise the Council-approved Planned Unit Development to allow for the development of 278-unit townhouse project in place of 280 apartment units within 15 buildings. The 43-acre site is located along the north margin of Barnes Road, approximately one-third of a mile east of Nolensville Pike.

PLAN DETAILS

History: This residential PUD was originally adopted by the Metro Council in 1980 (BL80-271) and allowed for the development of 280 multi-family units on the 43-acre tract. In 2001, a request was brought to the Planning Department proposing 170 single-family lots; however, that request was ultimately deferred indefinitely by the applicant.

Access- Access to and from the site will be via one point of ingress / egress off of Barnes Road. Since this development is proposed as a multi-family townhouse development, the access drives throughout the site will be considered private drives. Typically, connectivity to adjacent sites is not possible with private drives – and is often not recommended.

Environmental Concern - Since this site is heavily encumbered by hillside, although not all of the hillsides are in excess of 10 – 14%, significant grading will be required to construct the proposed townhouses. It is important to note that the provision of rip rap erosion control or retaining walls against the existing R10 zoning district calls for a larger buffer yard per Sec. 17.28.030(A)(3).

ZONING & LAND USE POLICY

R10 - Although this site is currently zoned R10, which calls for single-family and duplex lots on 10,000-square foot lots, the PUD provisions prior to 1998, allowed for a PUD to be adopted on property regardless of the base zone. Today, the base zone shall only be changed / updated to be made consistent with the proposed development when the PUD plan must be heard as an amendment by the Metro Council.

RLM Land Use Policy - Although the RLM policy calls for 2 to 4 dwelling units per acre, the existence of the 1980, Council-approved PUD plan establishes and allows for the proposed density of 6.5 units per acre.

SUBDIVISION DETAILS

Sidewalk Variance - Although the applicant is requesting a sidewalk variance for approximately 1,030 feet along the frontage of Barnes Road, the plan does propose a 5-foot wide pedestrian easement for a 5-foot wide sidewalk to be- constructed by the developer outside of the public right-of-way. The Planning Commission approved an identical arrangement to the east on Barnes Road in July 2003, for the Cottage Grove preliminary subdivision

METRO PUBLIC WORKS' COMMENTS - Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant.

CONDITIONS

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This revision to the preliminary 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.

Approved with conditions, including a sidewalk variance along Barnes Road that would allow for a side path to be constructed within 5 feet of public pedestrian easement. **(10-0), Consent Agenda**

Resolution No. 2004 –243

“BE IT RESOLVED by the Metropolitan Planning Commission that 103-80-U-12 is **APPROVED WITH CONDITIONS, INCLUDING A SIDEWALK VARIANCE ALONG BARNES ROAD WITH A CONDITION THAT A SIDE-PATH BE CONSTRUCTED WITHIN A 5 FOOT PUBLIC PEDESTRIAN EASEMENT. (10-0)**

Conditions of Approval:

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This revision to the preliminary 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.”

24. **116-83-U-11**
Willowbrook Marketplace
Map 119-11, Parcels 178 and 179
Subarea 11 (1999)
District 16 (McClendon)

A request to revise the Commercial Planned Unit Development located between East Thompson Lane, I-24, and Briley Parkway, (12.54 acres), classified CL, by changing the outparcel from a 7,200 square foot restaurant to a 4,305 square foot bank, and to allow for 10,150 square feet of restaurant and 12, 950 square feet of retail in place of 23,100 square foot of retail, requested by Design and Engineering, for T & M Development LLC, owner.

Staff Recommendation - *Approve with conditions; however, disapprove any fast food restaurants, as defined by the Metro Zoning Code, since the Council-approved plan prohibited any fast food restaurants.*

APPLICANT REQUEST - Revision to Preliminary & Final PUD

Request to revise the preliminary PUD and for final PUD approval to allow for the development of a 4,305-square foot bank in place of a 7,200-square foot sit down restaurant and to allow for 10,150 square feet of restaurant and 12,950 square feet of commercial retail space in place of 23,100 square feet of commercial retail, on a 12.54-acre site. The property is located on an island of land between Briley Parkway, Thompson Lane, and Interstate-24.

EXISTING ZONING

CL base zoning with Commercial PUD-Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

Council-enacted Special Criteria - Under this PUD establishing ordinance (BL2002-1155), specific uses were limited or listed as prohibited. They are as follows: Restaurants may only be sit down / full service and may not be fast food, and there shall be no car washes, nightclubs, or automotive repair which is incidental to any retail business.

STAFF COMMENTS

As part of the review process and pursuant to a letter drafted by the applicant’s representative at Tune Entrekin & White for Councilmember McClendon’s signature, staff is concerned over the allowance of a Subway restaurant where fast food restaurants were explicitly prohibited from the facility. Neither “fast food”, nor “sit down / full service” restaurants were defined as part of the Council-enacted specific performance criteria that were added to this PUD plan. In that case, the definitions of those entities would fall onto the Metro Zoning Code definitions. Having checked the interpretation of these two entities with the Metro Zoning Administrator, it has been found that a Subway restaurant would fall under a “fast food” definition.

"Restaurant, fast-food" means any building, room, space, or portion thereof where food is sold for consumption on-site or off-site within a short period of time, orders are made at either a walk-up or counter, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

"Restaurant, full-service" means any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of thirty minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental or occasional take-out sales.

METRO PUBLIC WORKS' FINDINGS

As part of this revision, Metro Public Works requested that the Thompson Lane sidewalk be repositioned to the south side of the existing creek onto private property, with a public access easement required to be recorded as part of the revised plans. This was requested based on safety concerns because of the large retaining walls associated with the preservation of the creek along the south side of Thompson Lane as required by the state.

Additionally, a guardrail was required to be installed along the north side of the relocated sidewalk (adjacent to the creek) so as to prevent individuals from falling into the creek area. The guardrail will be screened with additional landscaping.

Following these changes, the department issued a statement of compliance and no exceptions taken.

CONDITIONS

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

Resolution No. 2004 –244

"BE IT RESOLVED by the Metropolitan Planning Commission that 116-83-U-11 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

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25. **2003P-014U-12**
 Mayfair PUD
 Map 160, Parcel 103
 Map 171, Parcels 101 and 104
 Subarea 12 (1997)
 District 31 (Toler)

A request for final approval for a Residential PUD located along the south side of Old Hickory Boulevard, west of Chadwick Lane, (20.28 acres), classified RM4, to permit 68 townhomes, requested by Anderson-Delk and Associates, Inc., for Newmark Homes.

Staff Recommendation - *Approve with conditions.* The proposed final PUD plan is consistent with the last Council-approved plan.

APPLICANT REQUEST - Final PUD

Request for final Planned Unit Development approval to allow for the development of a 68-unit townhouse facility on a 20.27-acre site located along the south side of Old Hickory Boulevard about one-half mile west of Edmondson Pike.

PLAN DETAILS

Site PlanThe Council-approved preliminary PUD plan, and now the final PUD plan, proposes 68 units to be constructed in 34 structures with each containing two townhouse units. The units will be accessed by an internal private drive network, including five-foot sidewalks along one side, throughout the entire development. Since there is an existing stream that runs from the northeast corner of the property, winds through the property and exits at the south property line into Cloverland Park subdivision, stormwater quality areas are proposed alongside this stream – but outside of any floodway or buffer area. The majority of the direct frontage along Old Hickory Boulevard will be preserved and dedicated as common open space due to the stream and its’ associated floodway and floodplain.

Vehicular / Pedestrian Access - Access to the site is provided only from Old Hickory Boulevard via an existing curb cut and substandard driveway that will be reconstructed to meet minimum standards.

METRO PUBLIC WORKS’ FINDINGS- Metro Public Works provided minimal comments on the preliminary plan. All comments were successfully addressed by the applicant.

CONDITIONS

1. A final plat must be recorded prior to the issuance of any building permits.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Metro Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission and possibly the Metro Council.

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

Resolution No. 2004 –245

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003P-014U-12 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. A final plat must be recorded prior to the issuance of any building permits.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Metro Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission and possibly the Metro Council.”

XII. OTHER BUSINESS

26. Amendment to Employee Contract for Keith Covington

Approved (10-0), *Consent Agenda*

27. Executive Director Reports

28. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 7:10 p.m.



Chairman

Secretary