



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

June 10, 2004

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
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
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II
Chris Wooton, Planning Technician I

Commission Members Absent:

Judy Cummings

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

II. ADOPTION OF AGENDA

Mr. McLean moved, and Mr. Clifton seconded the motion, which passed unanimously to adopt the agenda as corrected: **(7-0)**

Item #21 – 2004S-158G-12 – Waterford Estates – change Council District from 31 (Toler) to District 32 (Coleman).

III. APPROVAL OF MAY 27, 2004 MINUTES

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously to approve the minutes of May 27, 2004. **(7-0)**

IV. RECOGNITION OF COUNCILMEMBERS

a. Councilmember Sam Coleman in regards to potential Charter amendment

Councilmember Coleman thanked the Commission for their service and dedication to the City.

Councilmember Coleman explained that he has proposed a Charter amendment referendum to the Council. The amendment would add a member of the Board of Education to the Planning Commission. He explained that by adding a School Board member, to the Commission as a voting member, would provide additional knowledge

regarding infrastructure of the City, in particular, the schools. It would also keep the Board of Education knowledgeable of the Commission's goals and objectives as development occurs within the City.

Councilmember Coleman stated that he has been before the Board of Education to inform them of this amendment, and that he was present today to seek approval of this referendum from the Commission.

Chairman Lawson arrived at 4:08 p.m.

Chairman Lawson announced that the Commission will set up an informal work session to discuss this issue. Mr. Ponder suggested that this issue be discussed at the informal work session already scheduled on 6/24/04.

Councilmember Forkum spoke regarding Item #6 – 2004S-157G-04, Forest Glen. He stated he was in support of staff's recommendation to approve with the condition to relocate the project access from Old Hickory Blvd. to McArthur Drive.

Councilmember Williams announced that the applicant has requested to defer Item #22, 2004S-162U-10, Hobbs Place. She stated that this deferral would allow the developer to meet with the Community regarding this project and that she was in support of the deferral.

Councilmember Williams also spoke on Item #24 – 2004S-164U-10, Habersham Way. She indicated she was in agreement with staff's recommendation to disapprove due to comparability issues, lot sizes and cul-de-sacs included in this proposal as expressed by her community.

Councilmember Shulman spoke regarding Item #5 – 2004S-155U-10, Oxford Hills Subdivision. He indicated that this item was deferred from the last meeting in order for the developers and the owners of the land to meet with the neighbors. He stated that he would reserve his comments until this item was presented.

Councilmember Shulman also commented on Items #9 and 10 – 2004Z-026U-10 and 2004Z-027U-10. He explained that these zone changes (R to RS) are the first of many that will appear before the Commission. Councilmember Shulman explained that many members of his community are in favor of these zone changes in order to protect the integrity of their neighborhoods.

Councilmember Shulman was also present for Item #23 – 2004S-163U-10, which was deferred; item #27, 2004S-160U-10 which he will address when the item is presented, and lastly, Item #282004S-161U-10 – Glen Echo. He expressed opposition to this proposal due to the fact that the constituents are not in favor of the development. He stated he would address this item again once it was presented.

Councilmember Toler stated he would address the Commission when his item was presented.

Councilmember Whitmore was present and requested not to speak at that time.

Councilmember Jameson spoke in favor of staff's recommendation to approve Item #13 – 2004Z-060U-05.

Ann Nielson arrived at 4:10 p.m.

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

1. 2004Z-056U-03 SCN, RS20 & RS15 to RM9 & RS10, 3705 Whites Creek Pike – Deferred to June 24, 2004 at the request of the applicant
2. 2004P-012U-03 Parmley Cove PUD, Cancel Commercial PUD, east side of Whites Creek Pike – Deferred to June 24, 2004 at the request of the applicant
7. 2004S-092A-07 West Meade Farms, brook Hollow Road – Deferred to June 24, 2004 at the request of the applicant
17. 2004Z-066U-12 RM6 to MUN, 5606 Cloverland Dr., Old Hickory Boulevard (unnumbered) – Deferred indefinitely at the request of the applicant

18. 2004Z-067G-14 CS to RM15, Robinson Road (unnumbered) – Deferred indefinitely at the request of the applicant
22. 2004S-162U-10 Hobbs Place, Hobbs Road – Deferred to June 24, 2004 at the request of the applicant
23. 2004S-163U-10 Woodmont Village, Woodmont Blvd. – Deferred to June 24, 2004 at the request of the applicant

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the deferred and withdrawn items. **(9-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

13. 2004Z-060U-05 Apply Neighborhood Conservation Overlay District between Douglas and Sharpe Ave.-
Approve
14. 2004Z-063G-04 CS to SCR, 218 Crestview Dr.- Approve
15. 2004Z-064U-13 RM9 to AR2a, 625 Bell Rd.- Approve

PRELIMINARY SUBDIVISION PLATS

21. 2004S-158G-12 Waterford Estates (formerly Cane Ridge Estates, Cane Ridge Rd. - Approve w/ conditions
25. 2004S-165U-12 Brentwood Marketplace (Revisions to Revellette Subdivision), Old Hickory Blvd. – Approve
29. 2004S-167U-10 Belmont Land Company, Resub. of portion of Lots 209 & 210m 1802 Beechwood Ave. –
Approve final plat and one foot width variance for new Lot 2

FINAL PLATS

27. 2004S-160U-10 Sharondale Heights, Resubdivision of Lot 13, east margin of White Oak Dr. - Approve,
including a lot comparability waiver and a sidewalk variance

PLANNED UNIT DEVELOPMENTS (revisions)

31. 2003P-013U-10 Village Hall, North of Hobbs Rd. - Approve w/ conditions

MANDATORY REFERRALS

32. 2004M-043U-13 Change Oakwood Forest Drive to Dover Glen Drive – Approve
33. 2004M-044G-06 Surplus property right-of-way along River Road - Approve
34. 2004M-045G-14 Water Main and Easement acquisition at 3803 Central Pk. - Approve

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

Mr. Ponder expressed concerns regarding Item #21 – Waterford Estates. He stated that there was already a Waterford Estates in Old Hickory and that this could cause confusion for emergency personnel.

Mr. Bernhardt stated that this fact could be reviewed before final approval was granted for this subdivision.

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

ZONING MAP AMENDMENTS

1. **2004Z-056U-03**
Map 49, Parcel 185
Subarea 3 (1998)
District 3 (Hughes)

A request to change from SCN, RS20 and RS15 to RM9 (5.95 acres) and RS10 (32.49 acres) districts, property at 3705 Whites Creek Pike, north of Green Lane, (total of 38.44 acres), requested by Dale & Associates, Inc., applicant, for Jane D. Parmley and Howard Scott Dowlen, owners. (Deferred from meeting of May 13, 2004). (See PUD Proposal No. 2004P-012U-03 below).

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-056U-03 to June 24, 2004. (9-0)

2. **2004P-012U-03**
Parmley Cove PUD
Map 49, Parcel 185
Subarea 3 (1998)
District 3 (Hughes)

A request to cancel an undeveloped Commercial Planned Unit Development (88P-042), located abutting the east side of Whites Creek Pike, north of Green Lane, (12.8 acres), approved for an 80,000 square foot office and retail development, and to approve a preliminary Planned Unit Development with 91 single-family lots and 46 multi-family units, (38.44 acres), requested by Dale & Associates, applicant, for Jane D. Parmley and Howard Scott Dowlen, owners. (Deferred from meeting of May 13, 2004). (See Zone Change Proposal No. 2004Z-056U-03 above).

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2004P-012U-03 to June 24, 2004. (9-0)

3. **2004Z-070U-14**
Map 95-12-0-A, Parcel 227
Subarea 14 (1996)
District 15 (Loring)

A request to change from R10 to RM6 district property located within an existing Planned Unit Development located west of the terminus of Airwood Drive, south of Woodberry Drive (8.66 acres), requested by McKinney Engineering, applicant, for Chan McCullough/Venture Properties, owner. (Deferred from meeting of May 27, 2004). (See PUD Proposal No. 148-83-U-14 on page 3).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 8.66 acres from residential (R10) to residential (RM6) district, as part of a requested amendment to an existing Planned Unit Development. The property is located west of the terminus of Airwood Drive, south of Woodberry Drive.

Existing 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.

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex and multi-family dwellings at a density of 6 dwelling units per acre.

SUBAREA 14

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 plan specifically states that, "in this highly developed area, infill development should be guided by the standard policies."

Policy Conflict The Council-approved PUD plan allowed for the development of 54 single-family lots and 98 townhomes in two phases. Although the current Subarea 14 Plan, and draft update for that plan, call for development within the RLM (2-4 du/ac) range, the existence of the PUD overlay allows for development that may not normally be recommended within a specific area of the county.

In 1996, the Metro Planning Commission approved a revision to the preliminary PUD plan that completely removed the proposed townhomes. Subsequent to that revision, the property owner recorded a plat that established common open space where the units were to be located. This applicant is now proposing to construct 42 townhomes, at a density of 4.85 dwelling units per acre. Since the Subarea Plan calls for standard policy guidance, this proposal falls

just above the maximum allowable density range but is much lower than the Council-approved plan calling for 98 units.

RECENT REZONINGS - No

TRAFFIC

Metro Public Works Recommendation:

1. Remove concrete driveway ramp.
2. Show right of way consistent with ST-251 along roadway and turn around.
3. Show ST-251 cross section or label road ST-251.
4. Check for adequate driveway length.
5. Final approval subject to construction plans, and variance from MPC for extended cul-de-sac.

METRO SCHOOL BOARD REPORT

Projected student generation: 6 Elementary 4 Middle 3 High

Schools Over/Under Capacity: Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. Based on the most current data from the Metro School Board, there is capacity at all three school levels within the cluster. This information is based upon data last updated January 16, 2004.

[Note: Items #3 and #4 were discussed by the Metropolitan Planning Commission together. See Item #4 for actions and resolutions.]

4. **148-83-U-14**
Park at Lakeland
Map 95-12-0-A, Parcel 227
Subarea 14 (1996)
District 15 (Loring)

A request to amend the preliminary plan for a portion of the Planned Unit Development located abutting the west margin of Hibbitts Road and the terminus of Airwood Drive, classified R10, (8.66 acres), to permit the development of 42 townhouse units to replace the undeveloped 98 townhouse units, requested by McKinney Engineering for Chan McCullough, owner. (Deferred from meeting of May 27, 2004). (See Zone Change Proposal No. 2004Z-070U-14 on page 2).

Staff Recommendation - Approve with conditions, and approve the request to vary from the 750-foot maximum length of permanent dead-end streets per Section 2-6.2.1 of the Metro Subdivision Regulations.

APPLICANT REQUEST - Amend PUD

Request to amend an existing, partially unbuilt, preliminary Planned Unit Development to allow for the development of 42 townhomes on 8.66 acres, and a request to vary from the 750-foot maximum length of permanent dead-end streets per Section 2-6.2.1 of the Metro Subdivision Regulations. The property is located west of the terminus of Airwood Drive, south of Woodberry Drive.

PLAN DETAILS

History: The original residential PUD, adopted by the Metro Council in 1983, allowed for the development of 54 single-family lots and 98 townhomes on a total of 27.5 acres. The single-family portion of the plan has since been developed, but the condo portion was revised out of the plan in 1996. The MPC approved a revision that removed all the townhomes and allowed for one lot on the 8.66-acre portion that is now being requested for revision. However, that revision was not approved by the Metro Council; therefore, the original entitlement of 98 townhomes remains in place.

Site Design: The plan proposes to extend Airwood Drive further to the west and establish a permanent cul-de-sac at the end of parcel 227. The proposed street would be public and provided with sidewalks along both sides. All 42 units would face the extension of Airwood Drive and a small park would be provided between two of the units on the south side of the street.

According to the 1996, revision there are a number of large mixed deciduous and cedar trees located within this 8.66-acre portion of the site. Since those clusters (3 large areas) were specifically called out on the revised PUD plan, staff is conditioning the approval recommendation to state that the applicant must conduct a tree survey of the area in conjunction with final PUD approval.

Access & Connectivity: Access to the site would be provided via the extension of Airwood Drive. The original PUD plan called for the condominium units to be accessed by a private drive that extended off of the Hibbitts Road cul-de-sac. Based on topographic constraints, an existing blue-line stream, and the minimized impact on the land with this proposal, staff supports the new plan to extend Airwood in lieu of providing a long driveway from the Hibbitts Road cul-de-sac.

Variance to Subdivision Regulations

2-6.2.1 Street Design Standards - The Subdivision Regulations require that, “turnarounds should be designed to accommodate emergency and service vehicles as well as passenger cars. Exceptions to the turnaround requirements may be made for short streets, up to 300 feet long where emergency and service vehicles are able to back out with relative ease. The maximum lengths of streets leading to turnarounds shall be 750 feet.”

Since the applicant is proposing to extend an already-permanent cul-de-sac to allow for the development of the townhomes, this extension will take Airwood Drive to approximately 1,630 feet in length. Staff recommends approval of this variance to the regulations since the proposal minimizes impact on the property. The Council-approved plan called for the townhomes to be accessed via a private drive extending from the permanent dead-end of Hibbitts Road. The construction of this private drive would upset hillside topography as well as an existing blue-line stream that both extend across the south side of the property.

METRO PUBLIC WORKS’ COMMENTS

Metro Public Works recommends approval, subject to the following revisions being made to the plan prior to final PUD approval:

1. Remove concrete driveway ramp.
2. Show right of way consistent with ST 251 along roadway and turn around.
3. Show ST 251 cross section or label road ST 251.
4. Check for adequate driveway length.
5. Final approval subject to construction plans, and variance from MPC for extended cul-de-sac.

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.

Mr. Mitchell presented and stated that staff is recommending approval of zone change 2004Z-070U-14, as well as conditional approval of the Planned Unit Development 148-83-U-14.

Ms. Barbara Earheart, 2522 Woodberry Drive, spoke in opposition to the proposal due to its comparability with the existing neighborhood.

Mr. Milton Cavender, 2507 Woodberry Drive, submitted a petition to the Commission which contained over 200 signatures in opposition to this development. He would like to preserve the wildlife in the area.

Ms. Sandra Cavender, 2507 Woodberry Drive spoke in opposition to the proposal.

Ms. Cindy Sword, 2804 Airwood Drive, spoke in opposition to the proposal due to the additional traffic it would generate and the safety of the children playing in the neighborhood.

Ms. Denice Hall, 2616 Hibbitts Road, spoke in opposition to the proposal due to additional traffic that would be generated in the neighborhood.

Ms. Hollie Petrella, 2620 Hibbitts Road, spoke in opposition to the proposal due to its affect on the current property values of the existing homes as well as the density of the proposal in relation to the safety of the children in the neighborhood.

Mr. Ponder expressed concerns regarding the length of Airwood Drive contained within the proposal.

Mr. Tyler expressed concerns regarding the entrance to the development as well as the impact the multi-family homes would have on the single family homes within the neighborhood.

Mr. Clifton requested clarification regarding the history of this parcel. He spoke of the need for mixed housing in Nashville neighborhoods, but expressed concerns regarding the impact that this multi-family development would place on the single family homes already existing in this neighborhood.

Mr. McLean requested clarification regarding the original PUD that was approved for this parcel back in 1996.

Mr. Fox and Mr. Bernhardt explained that back in 1996, the Commission approved a PUD with one unit for this piece of property. Mr. Bernhardt also explained that since the land is currently zoned R10, Council would have to rescind its actions on the PUD before other zoning could be considered for this parcel.

Mr. Small spoke of the issues associated with the subarea plan and the zone change being requested as it relates to the current zoning of the parcel.

Ms. Jones expressed concerns regarding the development and the affect of disapproving the development and its alternatives.

Mr. Loring spoke in opposition to the zoning. He also expressed concerns regarding disapproval and the affect of an alternative plan would have on this area. He also would like to see the preservation of the area.

Mr. Fox expressed his legal opinion regarding this development and the prior actions taken on this parcel by the Commission.

Mr. Bernhardt explained the issues associated with the various PUD configurations in relation to connectivity of the development with Hibbitts Road and Airwood Drive and the actual topography of the area.

Mr. Lawson requested clarification on the options of actions available to the Commission.

Mr. Fox stated that if the Commission were to approve the PUD without approving the zone change, this course of action would require approval from the Board of Zoning Appeals due to the fact that they would be requesting a zoning variance for the PUD.

Mr. Loring expressed concerns regarding the disapproval of this PUD with the possibility of 98 townhomes replacing it.

Mr. Mitchell offered additional information pertaining to the potential development under the R10 zoning that could be developed if the PUD was to be disapproved.

Mr. Lawson expressed concerns regarding the various issues relating to this development including the length of Airwood Drive, the PUD design, additional traffic and stub streets.

Ms. Jones moved, and Ms. Nielson seconded the motion, which passed unanimously to disapprove Zone Change No. 2004Z-070U-14. **(9-0)**

Ms. Nielson moved and Mr. Ponder seconded the motion to disapprove the Planned Unit Development No. 148-83-U-14. **(8-1)** No Vote - Loring

Resolution No. 2004 –175

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-070U-14 is **DISAPPROVED. (9-0)**

The proposed RM6 district is not consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy intended for residential development within a density range of two to four dwelling units per acre.”

Resolution No. 2004 –176

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 118-83-U-14 is **DISAPPROVED. (8-1)**”

PRELIMINARY PLATS

5. **2004S-155U-10**
Oxford Hills Subdivision
Map 131-03, Parcels 223 and 224
Subarea 10 (1994)
District 25 (Shulman)

A request for preliminary plat approval for 8 lots, located on the south margin of Shackelford Road and the west margin of Belmont Boulevard (2.97 acres), requested by Hammond Brandt Builders, developers, and Ragan-Smith Associates, engineer. (Deferred from meeting of May 27, 2004).

Staff Recommendation - *Approve with conditions* and a variance for less than a 300 foot separation (265 feet) for the T-type intersection occurring along a collector street (2-6.2.1 H.(2)).

APPLICANT REQUEST

Preliminary Plat - Subdivide 2.97 acres into 8 single-family lots along the south side of Shackelford Road and the west side of Belmont Boulevard.

ZONING

R10 District - R10 district, requiring a minimum lot size of 10,000 square feet and intended for single and two-family dwellings at an overall density of 4.63 dwelling units per acre with 25% duplex lots. Two duplex lots are proposed.

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 17, 624 square feet (16%) of open space.

SUBDIVISION DETAILS - This subdivision proposal utilizing the cluster lot option to save a 72 inch diameter breast height Sycamore tree at the corner of Shackelford Road and Belmont Boulevard.

VARIANCE REQUEST - The applicant has requested a variance to the requirement for 300 feet in separation between T-type intersections on a collector road. The applicant has approximately 265 feet between the proposed intersection and the intersection of Shackelford Road and Belmont Boulevard. The applicant feels that they have shifted the intersection as far to the west as possible while still accommodating the proposed lots.

PUBLIC WORKS - No Exceptions Taken

RECOMMENDATION - All preliminary plats are subject to Public Works' review and approval of construction plans.

CONDITIONS

1. 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.
2. A C type buffer of 20' width is required at the perimeter of lots that are less than 8,000 square feet. The buffer in the area of lots 4-6 will need to be adjusted accordingly.

Ms. Fuller presented and stated that staff is recommending approval with conditions and a variance for less than a 300 ft. separation (265 ft.) for the T-type intersection occurring along a collector street (2-6.2.1.H(2)).

Ms. Becky Brand, 106 Jamestown Green Court, distributed her written comments regarding this proposal to the Commission. She indicated that she would like to see a 20 foot buffer included in the plan as opposed to the 10 foot buffer being proposed by the developer.

Ms. Wilma Boyland, 1609 Shackelford Road, spoke in opposition to the proposal due to the negative impact it would have on her neighborhood.

Councilmember Shulman explained that he has met with the community and the developer regarding this proposal. He indicated that issues such as traffic, larger buffers and sidewalks have been discussed. He stated that the developers have been working with the Community to resolve some of the issues associated with this development.

Mr. Brett Smith, Ragan Smith Associates, he stated that they are in agreement with staff's conditions placed on this development as well as in agreement with Councilmember Shulman to place the sidewalk on Granny White Pike. The buffer zone associated with Lot 3 has also been revised to meet the requirements of the Planning staff.

Mr. Small expressed concerns regarding the placement of sidewalks within the development.

Mr. McLean expressed concerns regarding the setbacks included in the proposal.

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously, to approve Preliminary Plat No. 2004S-155U-10 to include sidewalks be installed either along Granny White Pike or at the location as approved by the Department of Public Works. **(9-0)**

Resolution No. 2004 -177

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-155U-10 is **APPROVED WITH CONDITIONS and a variance to the 300-foot separation requirement between T-type intersections along a Collector Street, and also approved a sidewalk variance to allow the sidewalk to be built along Granny White Pike. (9-0)**

Conditions of Approval:

1. 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.

2. A C type buffer of 20' width is required at the perimeter of lots that are less than 8,000 square feet. The buffer in the area of lots 4-6 will need to be adjusted accordingly."

Mr. Bernhardt explained that the sidewalk variance request was a reasonable request for the Planning Department.

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:50 p.m.

6. **2004S-157G-04**
Forest Glen
Map 43-10, Parcel 58
Map 43-11, Parcel 104
Subarea 4 (1998)
District 9 (Forkum)

A request for preliminary plat approval for 15 lots abutting the north margin of Old Hickory Boulevard, approximately 300 feet west of McArthur Drive (3.04 acres), requested by Eddie and Christine Dilts, owners/developers, Bruce Rainey and Associates, engineer. (Deferred from meeting of May 27, 2004).

Staff Recommendation - *Disapprove as designed, but Approve with conditions*, including relocation of the project access from Old Hickory Boulevard to McArthur Drive.

APPLICANT REQUEST - Preliminary Plat

Subdivide 3.04 acres into 15 single-family lots along the north side of Old Hickory Boulevard (State Route 45).

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.

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 RS7.5 (minimum 10,000 sq. ft. lots) to RS3.75 (minimum 3,750 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 will need to prove that they have at least 16,884 square feet of open space to comply with this provision.

SUBDIVISION DETAILS - The project proposes the only access for the subdivision to be on Old Hickory Boulevard. Old Hickory Boulevard is a U6 arterial with high volumes of traffic and will restrict the access to the project to right-in and right-out only, with no possibility for left turns. Staff recommends that the project utilize the lot fronting McArthur Drive as the entry to the project and cul-de-sac the access to Old Hickory Boulevard. Traffic from the project would then have unrestricted turning access at the intersection of McArthur Drive and Old Hickory Boulevard.

TRAFFIC

PUBLIC WORKS RECOMMENDATION - "The Traffic Division was asked by the developer at the conceptual stage if we would approve a curb cut on Old Hickory Boulevard. At that time and as reflected in our recent comments, we determined that we would allow a curb cut for right-in and right-out only drive with no median cut on Old Hickory Boulevard.

Traffic will support replacing this Old Hickory Boulevard curb cut with an access drive off McArthur Dr. for these 15 lots. Since there is a median cut on Old Hickory Boulevard opposite McArthur Drive, the subdivision traffic will be able to turn in each direction on Old Hickory Boulevard."

All preliminary plats are subject to Public Works' review and approval of construction plans.

CONDITIONS

1. 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.
2. Provide the square footage of the open space on a revised preliminary plat (a minimum of 16,884 square feet is required.)
3. Relocate the project access from Old Hickory Boulevard to McArthur Drive.

Ms. Fuller presented and stated that staff is recommending disapproval as designed, but approve with conditions including relocation of the project access from Old Hickory Boulevard to McArthur Drive.

Mr. Joseph Sutherland, 118, 119, 121 McArthur Drive, presented pictures of the area to the commission. He expressed concerns regarding drainage issues associated with this development.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously, to adopt staff recommendations on Preliminary Plat No. 2004S-157G-04. **(9-0)**.

Resolution No. 2004 –178

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-157G-04 is **DISAPPROVED AS DESIGNED and APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. 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.
2. Provide the square footage of the open space on a revised preliminary plat (a minimum of 16,884 square feet is required.)
3. Relocate the project access from Old Hickory Boulevard to McArthur Drive.”

FINAL PLATS

7. **2004S-092A-07**
West Meade Farms
Map 129-03, Parcel 38
Subarea 7 (2000)
District 23 (Whitson)

A request for final plat approval to amend the front setback from 225 feet to 180 feet abutting the west side of Brooks Hollow Road (1.84 acres), classified within RS80 district, requested by Eric Bowles, owner, Brad Bolton, applicant. (Deferred from meeting of May 13, 2004).

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-092A-07 to June 24, 2004. (9-0)

PLANNED UNIT DEVELOPMENTS

8. **84-87-P-13**
The Crossings at Hickory Hollow Commercial PUD
Map 163, Parcel 387 and Portion of Parcel 361
Subarea 13 (2003)
District 32 (Coleman)

A request for a revision to the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located abutting the south side of Mt. View Parkway and north of Crossings Place, classified R10, (0.56 acres), to permit a 2,645 square foot car wash, requested by Wamble & Associates, PLLC, for Chris Chung, owner. (Deferred from meeting of May 13, 2004).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request for a revision to preliminary and for final Planned Unit Development approval for the Crossings at Hickory Hollow Commercial Planned Unit Development to allow for the development of a 2,645-square foot 2-bay automatic car wash. This portion of the PUD is located at the intersection of Mt. View Parkway, Crossings Place, and Hickory Hollow Parkway.

PLAN DETAILS

This portion of the larger commercial PUD was approved on July 8, 1999, as a revision to preliminary and final to allow for the development of the adjacent 6,180-square foot convenience market and fuel station. That revision also provided for the development of carwash and lube shop on parcel 387 – where the proposed automatic car wash will be constructed. Prior to the 1999, revision both parcels were approved for a larger 3,700-square foot convenience market and fuel station.

METRO PUBLIC WORKS COMMENTS - 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 re-approval by the Planning Commission.

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

Councilmember Coleman spoke in favor of this proposal. He indicated that he and Councilmember Bradley have acquired the additional necessary information from the developers to support this development.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions, Planned Unit Development No. 84-87-P-13. **(9-0)**

Resolution No. 2004 –179

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 84-87-P-13 is **APPROVED WITH CONDITIONS. (9-0)**

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 re-approval by the Planning Commission.”

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

9. **2004Z-026U-10**
Map 131-04, Various Parcels
Subarea 10 (1994)
District 25 (Shulman)

A request to change from R10 to RS10 district various properties located between Frances Avenue and Glenwood Avenue and between Parkview Circle and Hillcrest Avenue, (19.13 acres), requested by Councilmember Jim Shulman for various property owners.

Ms. Harris presented and stated that staff is recommending approval of zone changes 2004Z-026U-10, 2004Z-027U-10, 2004SZ-043U-05, 2004Z-075U-10, and 2004Z-078U-05.

Chairman Lawson announced that since there were five different case numbers assigned to this presentation, the Commission will hold a public hearing for each of the areas of concern.

Item #9 – 2004Z-026U-10

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 19.13 acres from residential (R10) to residential single-family (RS10) district properties located between Frances and Glenwood Avenue and between Parkview Circle and Hillcrest Avenue.

Existing 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.

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.

SUBAREA 10 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.

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Policy Conflict - The proposed zoning district (RS10) is consistent with the RLM policy, however, it is not entirely consistent with the RL policy. The portion that is within the RL policy area is already zoned R10 and the RS10 zoning district would decrease the density in the area to bring it closer to conformity with the policy. The R10 zoning district allows for a density of 4.63 dwelling units per acre with 25% duplex lots, while the RS10 zoning district allows for 3.7 dwelling units per acre.

Out of the 55 properties, there is one vacant lot, nine two-family dwellings, and the remaining lots are single-family dwellings.

The nine two-family dwellings in this area will be considered nonconforming and will be allowed to remain. Section 17.40.650 of the Zoning Code states “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

In recent months, many Councilmembers have expressed an interest in filing zone change applications to change properties in their district from R to RS zoning districts. The effect of these rezonings is to create a patchwork throughout the county where duplexes are permitted in some areas, but not in others. No comprehensive policy decision is being made by the Commission or the Council as to where duplexes should be permitted and where they should not be permitted. Except for those applications on the June 10 Commission agenda, staff does not plan to recommend to the Commission that they approve any further mass rezoning to eliminate duplexes until this issue has been resolved. Staff recommends approval of this application only because the request 1) is technically allowed by the policy in this area, which allows zoning for single-family homes, and 2) is consistent with recent staff recommendations for similar requests in other locations.

Rather than continuing to address this issue on a piecemeal basis, staff has written a letter to all members of the Council proposing to organize meetings among various interested parties to arrive at a county-wide solution to address duplexes. Planning Department staff will facilitate the meetings, which will include stakeholders such as property owners, developers, Councilmembers, neighborhood organizations, and affordable housing representatives.

Staff believes this issue can possibly be addressed through an amendment to the Zoning Code. Such an amendment could establish a comprehensive set of criteria that may limit the number and location of duplexes, while still providing the opportunity for neighborhoods to have a diverse mix of housing options. These criteria could also ensure that new duplexes reflect the character of the neighborhoods in which they are located.

RECENT REZONINGS - None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Mr. Frank Englert, 304 Elmington Avenue, spoke in opposition to the zone change request due to the fact it would eliminate duplex housing in the area.

Councilmember Shulman spoke in support of the zone change request. He stated his constituents were also in favor because it would protect the design and integrity of their neighborhoods.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in opposition to the zone change request.

Mr. John Russell, 4304 Parkview Circle, spoke in favor of approving this zone change request in order to maintain the character and integrity of the neighborhood.

Mr. Troy Pepper, 1133 Glenwood Avenue, spoke in support of the zone change request to protect the integrity of the neighborhood.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for actions and resolution.]

Item #10 – 2004Z-027U-10

Staff Recommendation - *Approve*

APPLICANT REQUEST -Rezone 17.48 acres from residential (R10) to residential single-family (RS10) district properties located between Warfield Drive and Temple Avenue and between Lone Oak Road and Belmont Park Terrace.

Existing 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.

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.

SUBAREA 10 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 zoning district (RS10) is consistent with the RLM policy. The RS10 zoning district is within the density range of the RLM policy calling for two to four dwelling units per acre.

Out of the 41 properties, there are six two-family dwellings and the remaining lots are single-family dwellings.

The six two-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

In recent months, many Councilmembers have expressed an interest in filing zone change applications to change properties in their district from R to RS zoning districts. The effect of these rezonings is to create a patchwork throughout the county where duplexes are permitted in some areas, but not in others. No comprehensive policy decision is being made by the Commission or the Council as to where duplexes should be permitted and where they should not be permitted. Except for those applications on the June 10 Commission agenda, staff does not plan to recommend to the Commission that they approve any further mass rezoning to eliminate duplexes until this issue has been resolved. Staff recommends approval of this application only because the request 1) is technically allowed by the policy in this area, which allows zoning for single-family homes, and 2) is consistent with recent staff recommendations for similar requests in other locations.

Rather than continuing to address this issue on a piecemeal basis, staff has written a letter to all members of the Council proposing to organize meetings among various interested parties to arrive at a county-wide solution to address duplexes. Planning Department staff will facilitate the meetings, which will include stakeholders such as property owners, developers, Councilmembers, neighborhood organizations, and affordable housing representatives.

Staff believes this issue can possibly be addressed through an amendment to the Zoning Code. Such an amendment could establish a comprehensive set of criteria that may limit the number and location of duplexes, while still providing the opportunity for neighborhoods to have a diverse mix of housing options. These criteria could also ensure that new duplexes reflect the character of the neighborhoods in which they are located.

RECENT REZONINGS -None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Mr. Paul Miller, 1720 Temple Avenue, spoke in favor of the rezoning due to the increase of traffic and density to their neighborhood.

Mr. John Arrington, 1712 Temple, spoke in favor of the rezoning of this area to maintain the integrity of the neighborhood and to eliminate an increase of traffic to his neighborhood.

A resident of Belmont Park Terrace, spoke in favor of the zone change request – stated she would like to see more single-family homes in the area.

Ms. Carrie Martin, 1715 Temple, stated that the neighborhood circulated a petition and received 88 signatures of support and only 1 signature of opposition of the zone change request.

Mr. Frank Englert, 304 Elmington Avenue, spoke in opposition to the zone change request due to the fact it would eliminate duplex housing in the area.

Ms. Laurie Filbert spoke in favor of the zone change request.

Mr. John Russell, 4304 Parkview Circle, spoke in support of the zone change request due to economic reasons of the developers wanting to build duplexes in single family areas.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for actions and resolution.]

Item #11 – 2004Z-043U-05

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 100.28 acres from residential (R6) to residential single-family (RS5) district various parcels located along Treutlan, Berry, Grace, Hancock, Arrington, Wilburn, and Cleveland Streets.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RS5 district - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBAREA 5 PLAN POLICY

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Mixed Use (MU)- MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Major Public Open Space (MPOS) - MPOS policy is intended to accommodate existing major public recreational and open space areas for active and passive use. The primary types of land use in MPOS policy are recreational activities that are accessible to the general public on land that is under public ownership or control.

Policy Conflict - The proposed zoning district (RS5) is consistent with all three policies in this area. The density of RS5 is within the density range called for within the RM policy and is also consistent with the MU policy. The MPOS policy applies to the McFerrin Park in this area that is currently zoned R6. In this instance, the use will stay the same, but if the use is changed in the future, the use will have to comply with the RS5 zoning district.

Out of the 412 properties, there are 94 vacant lots, 252 single-family lots, and 62 two-family or more lots.

The 62 two or more-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

In recent months, many Councilmembers have expressed an interest in filing zone change applications to change properties in their district from R to RS zoning districts. The effect of these rezonings is to create a patchwork throughout the county where duplexes are permitted in some areas, but not in others. No comprehensive policy decision is being made by the Commission or the Council as to where duplexes should be permitted and where they should not be permitted. Except for those applications on the June 10 Commission agenda, staff does not plan to recommend to the Commission that they approve any further mass rezoning to eliminate duplexes until this issue has been resolved. Staff recommends approval of this application only because the request 1) is technically allowed by the policy in this area, which allows zoning for single-family homes, and 2) is consistent with recent staff recommendations for similar requests in other locations.

Rather than continuing to address this issue on a piecemeal basis, staff has written a letter to all members of the Council proposing to organize meetings among various interested parties to arrive at a county-wide solution to address duplexes. Planning Department staff will facilitate the meetings, which will include stakeholders such as property owners, developers, Councilmembers, neighborhood organizations, and affordable housing representatives.

Staff believes this issue can possibly be addressed through an amendment to the Zoning Code. Such an amendment could establish a comprehensive set of criteria that may limit the number and location of duplexes, while still providing the opportunity for neighborhoods to have a diverse mix of housing options. These criteria could also ensure that new duplexes reflect the character of the neighborhoods in which they are located.

RECENT REZONINGS - None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Councilmember Pam Murray spoke in favor of this zone change request. She stated that by passing this request, it would improve the quality of life for her area. She stated she was not against affordable housing, but thought it could be handled differently for her area. Councilmember Murray added that she has received over 60 calls from her area that are in favor of this zone change request.

Ms. Amy Bricen, spoke in favor of the zone change request due to the fact it would place single-family homes back into her neighborhoods and improve the quality of area.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for actions and resolution.]

Item #19 – 2004Z-075U-10

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 36.31 acres from residential (R8) to residential single-family (RS7.5) district properties located between 31st Avenue to Acklen Avenue.

Existing Zoning

R8 district - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

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 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.

Major Public Open Space (MPOS) - MPOS policy is intended to accommodate existing major public recreational and open space areas for active and passive use. The primary types of land use in MPOS policy are recreational activities that are accessible to the general public on land that is under public ownership or control.

Policy Conflict - The proposed zoning district (RS7.5) is consistent with the RLM and MPOS policy areas, in that this is a request for residential zoning in a developed neighborhood and the proposed zoning does not significantly increase the allowable density over what is existing. The policy allows for residential development within a density range of two to four dwelling units per acre. The MPOS policy area is not used for residential development and will continue to be used by the Department of Metro Water & Sewerage Services.

Out of the 137 properties, there are 19 vacant lots, 74 single-family dwellings, and 42 two or more-family or more dwellings.

The 42 two or more-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

In recent months, many Councilmembers have expressed an interest in filing zone change applications to change properties in their district from R to RS zoning districts. The effect of these rezonings is to create a patchwork throughout the county where duplexes are permitted in some areas, but not in others. No comprehensive policy decision is being made by the Commission or the Council as to where duplexes should be permitted and where they should not be permitted. Except for those applications on the June 10 Commission agenda, staff does not plan to recommend to the Commission that they approve any further mass rezoning to eliminate duplexes until this issue has been resolved. Staff recommends approval of this application only because the request 1) is technically allowed by the policy in this area, which allows zoning for single-family homes, and 2) is consistent with recent staff recommendations for similar requests in other locations.

Rather than continuing to address this issue on a piecemeal basis, staff has written a letter to all members of the Council proposing to organize meetings among various interested parties to arrive at a county-wide solution to address duplexes. Planning Department staff will facilitate the meetings, which will include stakeholders such as property owners, developers, Councilmembers, neighborhood organizations, and affordable housing representatives.

Staff believes this issue can possibly be addressed through an amendment to the Zoning Code. Such an amendment could establish a comprehensive set of criteria that may limit the number and location of duplexes, while still providing the opportunity for neighborhoods to have a diverse mix of housing options. These criteria could also ensure that new duplexes reflect the character of the neighborhoods in which they are located.

RECENT REZONINGS - None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Mr. Ronnie Williams, 2815 Acklen Avenue, requested that the zone change request be amended to allow his property to be considered noncompliant to the change.

Ms. Mary O’Neil, owner of 3316-18 Acklen Avenue, spoke in opposition to the zone change due to housing needs for the area.

Mr. Mark Smith, Orleans Drive, spoke in support of the zone change.

Mr. Reese Asken, 510 Loyola Drive, spoke in opposition to the zone change request.

Mr. Tom Grooms, Hillsboro West End Neighborhood Association, spoke in support of the zone change to maintain a neighborhood balance.

Ms. Linda Hyde, 3338 Love Circle, spoke in support of the zone change.

Mr. Larry Wilford, 3309 Orleans Drive, spoke in support of the zone change.

Mr. Richard Peterson, a resident of Orleans Drive, spoke in support of the zone change.

Mr. Steve O'Brien, a resident of 32nd Second Ave. South, spoke in favor of zone changes.

Mr. Frank Englert, 304 Elmington Avenue, spoke in opposition to the zone change request due to the fact it would eliminate duplex housing in the area.

A resident of 3436 Love Circle, spoke in favor of the zone changes.

Ms. Yuko Glover, 2817 Acklen Avenue, spoke in favor of the zone change.

Mr. Virgil Abernathy spoke in opposition to the zone change request.

Mr. Grant Browning suggested that property owners who would like to opt out of the proposed zone change should be allowed to do so.

Mr. Steve Bennyworth, 407 31st Avenue, suggested that the Commission reconfigure the area in question to include an area for mixed-use housing.

Mr. Adam Epstein, 3407 Hobbs Road, spoke of the grandfather issues related to this zone change.

Councilmember Hausser submitted a petition to the Commission which contained over 60 signatures showing support of the RS zone change request. She also stated that she held two neighborhood meetings regarding this issue. Councilmember Hausser explained that reasons for support of this zone change request weighed heavily on the safety issues associated with visibility of the area, grading issues of Love Circle and the narrowness of the roads.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for actions and resolution.]

Item #20 – 2004Z-078U-05

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 260.75 acres from residential (R6) to residential single-family (RS5) district various parcels located within Council District 5, west of Dickerson Road and west of Gallatin Pike.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RS5 district - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBAREA 5 PLAN POLICY

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Commercial Arterial Existing(CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Commercial Mixed Concentration (CMC) - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Industrial and Distribution (IND) - IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas.

Policy Conflict - The proposed zoning district (RS5) is consistent with two of the four polices in this area, while the remainder of the properties fall within established residential neighborhoods. This rezoning does not significantly alter the intensity or overall land uses within the area.

Out of the 781 properties, there are 108 vacant lots, 544 single-family dwellings, and 124 two or more-family dwellings.

The 124 two-family or more dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

In recent months, many Councilmembers have expressed an interest in filing zone change applications to change properties in their district from R to RS zoning districts. The effect of these rezonings is to create a patchwork throughout the county where duplexes are permitted in some areas, but not in others. No comprehensive policy decision is being made by the Commission or the Council as to where duplexes should be permitted and where they should not be permitted. Except for those applications on the June 10 Commission agenda, staff does not plan to recommend to the Commission that they approve any further mass rezoning to eliminate duplexes until this issue has been resolved. Staff recommends approval of this application only because the request 1) is technically allowed by the policy in this area, which allows zoning for single-family homes, and 2) is consistent with recent staff recommendations for similar requests in other locations.

Rather than continuing to address this issue on a piecemeal basis, staff has written a letter to all members of the Council proposing to organize meetings among various interested parties to arrive at a county-wide solution to address duplexes. Planning Department staff will facilitate the meetings, which will include stakeholders such as property owners, developers, Councilmembers, neighborhood organizations, and affordable housing representatives.

Staff believes this issue can possibly be addressed through an amendment to the Zoning Code. Such an amendment could establish a comprehensive set of criteria that may limit the number and location of duplexes, while still providing the opportunity for neighborhoods to have a diverse mix of housing options. These criteria could also ensure that new duplexes reflect the character of the neighborhoods in which they are located.

RECENT REZONINGS - None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Councilmember Bradley announced that Councilmember Murray had to leave the meeting and had asked him to speak in favor of this zone change request. He stated that Councilmember Murray held four neighborhood meetings regarding this request and received no opposition from her community.

Ms. Amy Bricen, 1038 Petway, spoke in favor of this zone change request.

Mr. Ponder requested clarification on opportunities for individual land owners to reverse the zone changes that are currently requesting change. He spoke in favor of the requests.

Mr. Tyler expressed concerns regarding the mass rezoning and the total acreage included in the zone change requests. He also commented on the fact that some of the districts are in more need of this rezoning than others, especially in District 5.

Mr. Clifton agreed with the staff and their attempts to address this issue in future mass rezoning requests. Mr. Clifton expressed his concerns regarding the need for RS zoning in various areas of the county and added that the districts included in today's hearing made their cases.

Mr. McLean spoke in favor of this zone change request. He spoke of the need for multi-family housing in the County and suggested that alternative methods be used to maintain multi-family housing.

Ms. Nielson spoke in favor of this zone change request. She suggested that a condition be placed on this request that would allow structures originally built as duplexes that were converted to single-family, be allowed to return to duplexes if requested.

Mr. Bernhardt stated that this would require a text change amendment.

Mr. McLean suggested that this text change amendment include a time-frame for those who suffer reconstruction due to a hazard.

Mr. Small expressed concerns regarding rezoning large areas.

Ms. Jones expressed concerns regarding blanket rezoning for various areas of the county and should be studied on individual cases.

Mr. Loring also expressed concerns regarding the mass rezoning. He stated that these cases do offer protection of neighborhood integrity.

The Commission members briefly continued their conversation regarding approving the mass zone change requests.

Mr. Ponder moved and Ms. Nielson seconded the motion, to approve Zone Change Nos. 2004Z-026U-10, 2004Z-027U-10, 2004SZ-043U-05, 2004Z-075U-10, 2004Z-078U-05. **(8-1)** No Vote – Jones

Resolution No. 2004 –180

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Changes No. 2004Z-026U-10, 2004Z-027U-10, 2004Z-043U-05, 2004Z-075U-10 and 2004Z-078U-05 are **APPROVED. (9-0)**

2004Z-026U-10:

The proposed RS10 district is consistent with the Subarea 10 Plan's Residential Low Medium (RLM) and Residential Low (RL) policies in this area. The RLM policy is intended for residential development within a density range of two to four dwelling units per acre and the RL policy is intended for residential development with a density of two dwelling units per acre and below. The RS10 is also consistent with the existing residential development in the area.

2004Z-027U-10:

The Metro Historic Zoning Commission approved this district on May 26, 2004 citing that the boundaries for the Eastwood Neighborhood Conservation District are a “historically significant geographical area.” This area was also determined to be National Register eligible in 1999 by the Metro Historical Commission staff.

RECENT REZONINGS - None.

TRAFFIC - No Exception Taken.

Typical Uses in Existing Zoning District: R6

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)	25.19	6.18	112*	1072	84	113

*Existing Lots

Typical Uses in Proposed Zoning District: R6 with Overlay

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)	25.19	6.18	112 *	1072	84	113

*Existing lots

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
--	--	--	--	0	0	0

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –181

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-060U-05 is **APPROVED. (9-0)**

The proposed Neighborhood Conservation Overlay District (NCOD) is consistent with the Subarea 5 Plan’s Residential Medium (RM) policy intended for residential development within a density range of four to nine dwelling units per acre. The Subarea 5 plan calls for “Conservation of the established neighborhoods, including the nonconforming residential uses, and the nodes of neighborhood commercial development.” The NCOD would protect any future development of these properties to only allow the construction, alteration, repairing, relocation or demolition if approved by the Metro Historic Zoning Commission.”

14.

2004Z-063G-04
 Map 34-5, Parcel 75
 Subarea 4 (1998)
 District 10 (Ryman)

A request to change from CS to SCR district property at 218 Crestview Drive, approximately 745 feet south of Alta Loma Road, (2.84 acres), requested by Homer and Randy Chance, applicant/owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 2.84 acres from commercial service (CS) to shopping center regional (SCR) district at 218 Crestview Drive, approximately 745 feet south of Alta Loma Road.

Existing Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Proposed Zoning

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

SUBAREA 4 PLAN POLICY

Retail Concentration Super Community (RCS) - Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

Policy Conflict - The SCR district is consistent with the RCS policy in this area. It is also consistent with surrounding zoning districts and uses.

RECENT REZONINGS None.

TRAFFIC

An Access Study may be required at Final Development to determine any mitigations that may be necessary due to the proposed development.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	2.84	0.173	21,402	949	147	108

Typical Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Quality Restaurant (931)	2.84	0.135	16,701	1502	14	125

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
		-.038	-4701	+553	-133	+17

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	2.84	0.6	74,226	N/A	2303	2566

Maximum Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	2.84	1.0	123,710	5312	128	464

*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
	--	+4	+49484	--	-2175	-2102

METRO SCHOOL BOARD REPORT

Projected student generation* <1 Elementary 7 Middle 8 High

Schools Over/Under Capacity - Students would attend Gateway Elementary School, Brick Church Middle School, or Hunters Lane High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster and capacity at the high school in an adjacent cluster (McGavock, Maplewood, or Whites Creek clusters). There are no middle schools with capacity in the Hunters Lane cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$91,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

*The numbers for SCR zoning are based upon students that would be generated if the SCR zoning were to develop as multi-family residential instead of office or commercial. This also assumes each multi-family unit has 1,000 sq.ft. of floor area.

Planned School Capital Improvements

Location	Project	Projected Date
Gateway Elementary Renovation/Addition	Add 10 Classrooms, Library Additions, P.E. Room and Renovate Existing Facility	FY03-04

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –182

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-063G-04 is **APPROVED. (9-0)**

The proposed SCR district is consistent with the Subarea 4 Plan’s Retail Concentration Super Community (RCS) policy intended for community scale concentrations of commercial uses usually larger in size and a wider array of goods and services. It is also consistent with the surrounding zoning districts and uses.”

15. **2004Z-064U-13**
 Map 149, Parcel 147
 Subarea 13 (2003)
 District 33 (Bradley)

A request to change from RM9 to AR2a district property at 625 Bell Road, approximately 600 feet west of Rice Road, (15.0 acres), requested by Ronald Smithson, applicant, for Hickory Hollow Baptist Church, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 15.05 acres from residential multi-family (RM9) to agricultural/residential (AR2a) district property at 625 Bell Road.

Proposed Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and 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. The AR2a district allows approximately 8 dwelling units.

Existing Zoning

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 district would permit a maximum of 135 multi-family units on this property.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

Residential Medium High (RMH)- RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate the most common types include attached townhomes and walk-up apartments.

Policy Conflict - The proposed AR2a zoning district returns the zoning on this property to its original zoning prior to August 8, 2002. This property was rezoned in 2002, with the intent that an assisted-living facility would be built on the back portion of the property. A church is currently located on the front portion of the property. Since the assisted-living facility has not been built, the owners of the property would now like to rezone the property back to its original zoning. Although the AR2a district is not entirely consistent with the RMH policy, it is a downzoning to a less intensive zoning, which will reduce the impact on schools and public infrastructure in the area.

RECENT REZONINGS - The Planning Commission approved

TRAFFIC

Public Works Recommendation - “No Exception Taken. An Access Study may be required at Final Development to determine any mitigations that may be necessary due to the proposed development.”

Typical Uses in Existing Zoning District: RM9

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	15.05	9	135	7,911	60	71

Typical Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	15.05	0.5	8	77	6	8

APPLICANT REQUEST - Rezone 4.25 acres from commercial service (CS) to industrial warehousing/distribution (IWD) district at Philfre Court (unnumbered), south of Mill Creek Road.

Existing Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Proposed Zoning

IWD district - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

SUBAREA 11 PLAN POLICY

Commercial Arterial Existing (CAE) -CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Policy Conflict - The IWD district is not consistent with the CAE policy intended to stabilize the current condition, prevent additional expansion, and ultimately redevelop into nodal areas. The industrial zoning district does not stabilize the current condition, but would increase the intensity of this area since it is surrounded by CS and RS10 zoning districts. Mill Creek runs to the north of this property in which this property is consumed mostly by floodplain and floodway. If rezoned, the property will not have to follow any of the floodplain guidelines in Section 17.28.040 of the Zoning Ordinance, however, if developed under the CS zoning, the guidelines would be applied.

RECENT REZONINGS None.

TRAFFIC

An Access Study may be required at Final Development to determine any mitigations that may be necessary due to the proposed development.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (0)	4.25					

Typical Uses in Proposed Zoning District:

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
(0)	4.25					

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
			--			

Maximum Uses in Existing Zoning District: CS

Land Use	Acres	FAR	Total	Daily Trips	AM Peak	PM Peak

(ITE Code)			Square footage	(weekday)	Hour	Hour
()	4.25					

Maximum Uses in Proposed Zoning District:

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
()	4.25					

*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
	--	--	--			

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

Mr. Everett Lowe, representing the owner, spoke in favor of this zone change.

The Commission discussed alternative plans available to the applicant in order to assist his request.

Mr. Clifton expressed concerns regarding the requested zoning and specific uses of the land.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously to disapprove Zone Change No. 2004Z-065U-11. **(9-0)**

Resolution No. 2004 –184

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-065U-11 is **DISAPPROVED. (9-0)**

The proposed IWD district is not consistent with the Subarea 11 Plan’s Commercial Arterial Existing (CAE) policy intended to stabilize the current condition, prevent additional expansion, and ultimately redevelop into nodal areas. The IWD district would not stabilize the current condition or prevent additional expansion, but would increase the intensity of this area surrounded by CS and RS10 zoning districts. This property is consumed by floodplain due to Mill Creek to the north. The IWD district would exempt this property from the floodplain guidelines established in Section 17.28.040 of the Zoning Ordinance, while the existing CS zoning district would require compliance with the floodplain guidelines.”

- 17. 2004Z-066U-12**
 Map 160, Parcels 81, 83 and 84
 Subarea 12 (1997)
 District 31 (Toler)

A request to change from RM6 to MUN district properties located at 5606 Cloverland Drive, Old Hickory Boulevard (unnumbered), and 675 Old Hickory Boulevard, abutting the south margin of Old Hickory Boulevard and the east margin of Cloverland Drive, (3.76 acres), requested by Daniel Burton, Hawkeye Constructors, LLC, applicant/owner, Jerry and Wayne Whitehurst, owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-066U-12 indefinitely. (9-0)

18. **2004Z-067G-14**
Map 44, Portion of Parcels 41 and 42
Subarea 14 (1996)
District 11 (Brown)

A request to change from CS to RM15 district on a portion of properties located at Robinson Road (unnumbered), abutting the northeast corner of Robinson Road and Industrial Drive, (12 acres), requested by William H. Hawkins, Charles Hawkins Company, Inc., applicant, for Rayon City Investors, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-067G-14 indefinitely. (9-0)

19. **2004Z-075U-10**
Map 104-06, Various Parcels
Subarea 10 (1994)
District 18 (Hausser)

A request to change from R8 to RS7.5 district properties located between 31st Avenue to Acklen Avenue, (36.31 acres), requested by Councilmember Ginger Hausser for various property owners.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for resulting actions and resolution.]

20. **2004Z-078U-05**
Maps 71, 82 and 83, Various Parcels
Subarea 5 (1994)
District 5 (Murray)

A request to change from R6 to RS5 district at various properties within Council District 5, west of Dickerson Road and west of Gallatin Pike (260.75 acres), requested by Councilmember Pam Murray.

[Note: Items #9, 10, 11, 19 and 20 were discussed by the Metropolitan Planning Commission together. See item #9 for resulting actions and resolution.]

IX. PRELIMINARY SUBDIVISION PLATS

21. **2004S-158G-12**
Waterford Estates (formerly Cane Ridge Estates)
Map 174, Parcel 35
Subarea 12 (1997)
District 32 (Coleman)

A request for preliminary plat approval to create 74 lots abutting the northeast margin of Cane Ridge Road, approximately 2,765 feet southeast of Old Franklin Road, (30.6 acres), classified within the RS15 district, requested by Dotson and Thomasson, owner/developer, Dale and Associates, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary Plat

Subdivide 30.6 acres into 74 lots using the cluster lot option, at a proposed density of 2.4 units per acre. The property is located on the east side of Cane Ridge Road, opposite the Cane Ridge Farms Subdivision.

A similar preliminary plat for 86 lots was approved on this site 8/22/02, entitled Cane Ridge Estates.

ZONING

RS15 District - RS15 district requiring a minimum lot size of **15,000 square feet and intended for single family dwellings at a density of 2.47 dwelling units per acre.**

CLUSTER LOT - Applicant proposes to reduce lots two (2) base zoning districts, from RS15 (minimum 15,000 sq. ft. lot) to RS7.5 (minimum 7,500 sq. ft. lot). The proposed lots range in size from 7,500 sq. ft. to 13,400 sq. ft. The plan sets aside 33.4% (11.01 acres) in open space.

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

Sycamore Tree - A very large, mature, sycamore tree, over 30 inches in diameter, exists in the vicinity of the rear of lot 3. This tree has been located on the plat but needs to be delineated that it is to be protected and retained through the grading and building process.

Blue Line Stream - The plan has been revised to account for blue line stream, or drain, traversing the property. Concern about these blue line streams was raised during the review of the Cane Ridge Estates plat in 2002, and staff indicated that a redesign would most likely be necessary. The applicant is showing a 60-foot buffer around the drain. This means that the stream is only 10 feet wide with 25-foot buffers on each side. On the grading plans and the final plat, the applicant will be required to show the top of the bank and the stream buffer. If the drain turns out to be more than 10-foot wide and causes the encroachment of the buffer into the lots, some of the lots may be lost. Lots cannot encroach into the buffers.

Spring House - Concern was raised during the last review over a natural spring that is located in the vicinity of the Cane Springs Road/Springhouse Way intersection, adjacent to lots 273 and 274. This plat makes reference in that the spring will be protected by temporary fencing during construction. Crossing of the springbed must be approved by TDEC before construction begins. There is great concern about this spring as it feeds a well and a pond on the adjacent neighbor’s property (Mark W. and Carol A. Dugger).

The previous approval of Cane Ridge Estates included a condition that until more details have been presented about the spring’s preservation and the treatment of the blue-line stream, **no grading, blasting or building construction permits be issued until after Metro Stormwater and TDEC conduct their final investigation, and the Planning Commission approves a final plat.** Staff recommends that this condition remain.

Southeast Arterial - The Southeast Arterial is proposed to cross this property on the south side of the TVA easement. A reservation of 84 feet was negotiated in 2002, and has been shown on the plat. Since that time, it has been determined that the need for the Southeast Arterial will be 92 feet.

SUBDIVISION VARIANCES -None

TRAFFIC

PUBLIC WORKS RECOMMENDATION - The following were the previously approved conditions for Cane Ridge Estates and are recommended being included as a condition of approval for this project:

As a condition of this approval, the developer will provide additional pavement width on Cane Ridge Road south of Preston Road. This is to be the continuation of the southbound, right side edge of pavement from north of Preston Road to south of Preston Road and then a smooth transition back to the existing alignment. In addition, the developer will smooth the transition on Cane Ridge Road through the intersection by attempting to shave the top of the hill and create a less severe drop in the roadway. A plan will need to be submitted to and approved by the Traffic Engineer prior to the approval of any final plats.

Additionally: Cane Ridge Road is identified as a U4. Identify Cane Ridge Road and the proposed Cane Springs Road intersection design to include a southbound left turn lane on Cane Ridge Road, 84 feet of ROW and the proposed Cane Ridge Road alignment with the existing road.

1. Sight distance at the proposed access road shall be documented.
2. All preliminary plats are subject to Public Works' review and approval of construction plans.
3. The minimum radius of a turnaround is 41.5 feet.

CONDITIONS

The following conditions need to be satisfied prior to the planning commission meeting:

1. A standard "C" type landscape buffer yard must be clearly delineated as running the entire western boundary of the perimeter of the subdivision. 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.
2. Due to the issues involved with this site and the lack of information that is available at the preliminary plat stage, a note must be added across the plat's lot layout in large, bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the approval of the final plat."
3. All conditions listed in the Public Works Recommendation shall be required, and the developer must submit a plan to the Metro Traffic Engineer for the improvement of the Cane Ridge Road in the vicinity of Preston Road prior to the approval of any final plats.
4. The reservation of 84 feet for the Southeast Arterial needs to be adjusted to 92 feet.

Mr. Kleinfelter explained that the notice for this item was incorrectly sent to Councilmember Toler and should have been mailed to Councilmember Coleman. The residents affected by this proposal were properly notified. He further explained that Councilmember Coleman stepped out of the meeting when this item was placed and approved on the consent agenda. If present, he would have requested to pull this item in order to discuss the issues associated it. The applicant is no longer at the meeting and is under the impression it was approved on the Consent Agenda. Mr. Kleinfelter requested that Ms. Fuller present this item so that Councilmember Coleman can address the Commission.

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

Councilmember Coleman spoke in opposition due to infrastructure of the area and the density of the proposal. He requested that this item be deferred until the August 8th, 2004 meeting so that he can meet with the community.

Mr. McLean suggested that the Commission approve this preliminary plat and alert the developers to address certain issues associated with this proposal before final approval is granted.

Mr. Bernhardt stated that the Commission may not be able to address some of the environmental issues at final plat approval.

The Commissioners discussed at length the situation of this preliminary plat. It was suggested that the developer and owner be notified that Councilmember Coleman has issues associated with this development and would not have allowed its approval on the consent agenda.

Councilmember Coleman withdrew his plea to have this deferred.

Approve with Conditions, *Consent Agenda*

Resolution No. 2004 –185

"BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-158G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary Plat

Subdivide two lots on 2 acres into four lots, with variances for flag shaped lots and lots that exceed the 4:1 ratio for length to width. The property is located on the west side of Trimble Road, north of Colewood Drive.

ZONING

R20 District - R20 district, requiring a minimum 20,000 square foot lot size and intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS -The subdivision creates four lots from two existing lots, including a private joint access easement serving two of the new lots that are proposed on flag lots behind the two lots along Trimble Road. The lots utilize a central, common driveway in-lieu of a private street. The two lots in the front will maintain the existing front yard setback to “maintain the visual character along Trimble Road”.

Stormwater - It appears that public water drains from a culvert under the road. For the final plat, an appropriate width drainage easement will need to be provided for the existing ditch that gets water across the property. If it is to be relocated, approval will be needed from the Stormwater Board of Appeals.

Subarea Policy - This property is located in the Subarea 10 Plan’s RL (Residential Low) land use policy.

The proposed plan is inconsistent with the subarea plan. The Subarea 10 plan calls for potential sites for resubdivision to be consistent with what exists in the surrounding area.

“The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas. It is important to recognize that the potential for resubdivision does exist in parts of these areas, since the policy allows up to two dwelling units per acre. Much of the area is developed far below that threshold. However, the plan recommends that the prevailing character and densities of these areas be conserved. Any resubdivisions should result in densities close to what exists in the surrounding area.”

This plan conforms to the prescribed density, if developed as single-family, but does not conserve the existing character of the area.

SUBDIVISION VARIANCES

Flag Lot and 4:1 ratio (depth to width) - The applicant has proposed a subdivision that places two new residential lots at the rear portion of the two existing lots, utilizing a single, common driveway easement in lieu of a public street.

The applicant has stated that denial of the variance would require the introduction of a public street into the property. The new street would only serve one development and have no connectivity. The applicant also states that the subject properties are deeper and have shorter frontages than the typical lots in the neighborhood. They have also noted that on the existing lots they have the ability to construct four residences with 2 duplex structures, but would prefer to construct 4 single-family residences to maintain the existing character of Trimble Road.

Staff recommends disapproval since the proposed lot layout, or a layout with a public cul-de-sac, would not be an appropriate form of infill development in this area since it is not in keeping with the surrounding character.

Lot Comparability - Lot Comparability (2-4.7) was applied to this proposal and yielded a minimum lot size of 31,608 square feet and a minimum lot frontage of 118.17 feet.

Although the proposed plat may qualify for a waiver to the lot comparability standards, because it is located within approximately a one-half mile radius of the Green Hills Regional Activity Center (RAC) policy, staff does not feel it merits a waiver from the standards, as it is not of comparable character to the existing neighborhood.

TRAFFIC

PUBLIC WORKS RECOMMENDATION - No exceptions taken

have one lane in and two lanes for exiting traffic. Additionally, cross access has been provided for the condominium development, Creekside at Brentwood, located immediately to the south.

Lot 3, containing the access drive, does not meet the 4:1 ratio (depth to width) because the Subdivision Regulations (2-4.2. E) exempt commercial development from this requirement.

TRAFFIC

PUBLIC WORKS RECOMMENDATION - Lot 3 should be wide enough to accommodate 3 lanes for future development.

Approvals are subject to Public Works' review and approval of construction plans for any construction within the public right-of-way.

CONDITIONS

A revised preliminary plat shall be submitted revising note 4 to state that the flood information shown is from the Sevenmile Creek Basin Plan.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –187

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-165U-12 is **APPROVED. (9-0)**”

- 26. **2004S-166U-12**
Pallisades
Map 171, Parcels 83, 108, 117 and 158
Subarea 12 (1997)
District 31 (Toler)

A request for preliminary plat approval for 15 lots, located on the south margin of Church Street, opposite Cloverland Drive (15.86 acres), classified R40, requested by Pulte Homes of TN, LP, developer, Gresham-Smith and Partners, engineer.

Staff Recommendation - *Approve with conditions, and approve a variance for distance between offset T-type intersections along a collector street.*

APPLICANT REQUEST

Preliminary Plat

Request for preliminary plat approval to allow for the development of a 15-lot cluster lot subdivision. Property is located along the south side of Cloverland Drive across from the intersection of Church Street and the north-south portion of Cloverland Drive.

PLAN DETAILS

Current Zoning:

R40-The R40 district requires a minimum 40,000-square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Cluster Lot Option

Sec. 17.12.090: The proposed plan utilizes the cluster lot option provided by the Metro Zoning Code for areas with environmental constraints – such as wetlands, floodplain, or hillside topography issues. Pursuant to the Zoning Code, lots within a cluster lot subdivision may be reduced one or two zone districts in square footage with the installation of a type ‘B’ or type ‘C’ buffer yard, respectively. In addition, cluster lot subdivisions are required to provide a minimum of 15% open space as part of the subdivision plat.

Site Layout: The applicant is using the cluster lot option because of hillside topography issues associated with this site. The plan proposes a reduction of lot sizes by two zone districts to the minimum of 20,000 square feet. In doing so, they are required to comply with the bulk standards associated with 20,000-square foot lots. Regarding the provision of open space, the applicant is proposing 22.2% open space – which exceeds the minimum requirement by 7.2 percent.

Offset T-type Intersection Variance

Sec. 2-6.2.1(H)- The Metro Subdivision Regulations require that all offset t-type intersections, located along a collector street, be a minimum of 300 feet apart. Since the applicant is requesting to utilize the cluster lot option of subdivision development, staff recognizes that there are significant topographic constraints associated with this property. Because of these constraints, all lots have been brought adjacent to the proposed Jones Parkway collector street. Rather than proposing multiple driveways along a collector street – which is not preferred – the applicant is proposing small offset cul-de-sacs along Jones Parkway that will keep driveways off of the collector street. Therefore, staff recommends approval of this requested variance.

METRO PUBLIC WORKS’ RECOMMENDATION - “The following mitigations by the developer will be required for Traffic approval of a subdivision plan with connections to Williamson County roads. These mitigations are based on the Traffic review of the Foxview development TIS dated January 9, 2004:

At the Cloverland Dr/ Old Hickory Blvd (OHB) intersection

(Planned EB right turn lane and NB left turn lane completion date is summer 2004.)

1. On Cloverland, install 12 ft wide northbound right turn lane with 375 ft storage length and transition per AASHTO standards.
2. On Cloverland, install a 2nd 12 ft wide northbound left turn lane. Provide 215 ft of storage length for both and 175 ft transition per AASHTO standards for both left turn lanes.
3. On Cloverland, restripe northbound through/right/left lane to thru lane only.
4. On Seven Springs, restripe southbound lanes to 2 left turn lanes and a right through lane.
5. On OHB install 12 feet wide eastbound through lane improvements approximately 750 feet each side of the OHB Edmondson Pike intersection vs. the eastbound lane between Edmondson Pike and I-65.
6. On OHB, increase westbound left turn lane storage length to 250 ft with transition per AASHTO standards.
7. Modify signal to provide optimum traffic movement with intersection redesign. Install Pedestrian signals per ADA standards.

At the Cloverland Dr/Church St intersection

1. Improve intersection geometry to improve lane alignment and identified storage lengths for turn lanes. Due to Row restrictions, a 15% skew of the intersecting roads will be allowed. Intersection design shall provide 3 southbound lanes, 2 eastbound lanes, 3 westbound lanes, and 2 northbound lanes. The developer shall also provide for optional driveway relocation for any neighboring properties impacted by the intersection redesign.
2. On project access road, install northbound 12 ft wide left turn lane with 150 ft storage length and transition per AASHTO standards.
3. On project access road, install 12 ft wide northbound through /right lane.
4. On Cloverland, install 12 ft wide southbound through lane.
5. On Cloverland, install new southbound right turn lane with 200 ft storage lane and transition per AASHTO standards.
6. On Cloverland, provide southbound left turn storage length of 300 ft. with 140 ft transition per AASHTO standards.
7. On Church, restripe 2 way left turn lane to left turn lane with storage length as needed for both the eastbound and westbound left turn lanes.
8. On westbound approach, retain right turn lane with 100 ft of storage and AASHTO transition.
9. Modify existing signal to optimize traffic movements with intersection redesign.
10. Install pedestrian signals per ADA standards.

Cloverland Drive

1. Cloverland Drive is currently identified as a collector street. In lieu of the developer improving Cloverland Drive to collector status, the developer is to place \$200,000 in an escrow account acceptable to Metro. Such funds shall be spent at the discretion of the Department of Public Works to address roadway issues in the project's impact area.

Edmondson Pike/ Cloverland

1. Install and coordinate with Metro turn lane increased storage lengths as identified in TIS.
2. On Edmondson Pike, Increase northbound left turn lane storage length to 175 ft from Metro designed 150 ft length.
3. On Edmondson Pike, increase southbound right turn lane to 425 ft from metro designed 400 ft storage.

Other Condition Items

1. All roadway improvements are to be in place prior to issuance of any building permits or an improvement scheduled as approved by Public Works.
2. All drawings require a professional seal.
3. The Metro subdivision regulations require a minimum distance of 300 feet between offset T-type intersections. The preliminary plat as presented will require a variance.
4. If the connection to the existing Cloverwood Drive can not be made within the existing right-of-way using 30 mile/hour design criteria, then the new section of Cloverwood should be a cul-de-sac.
5. The preliminary plat approval is subject to Public Works' review and approval of construction plans.

CONDITIONS

1. Prior to the recordation of any final plat for the proposed subdivision, roadway improvements, as required by Metro Public Works, shall be completed or bonded with the first final plat.

Mr. Mitchell presented and stated that staff is recommending approval with conditions as well as approving a variance for distance between offset T-type intersections along a collector street.

Mr. Tom White, legal representative, spoke in favor of the proposal.

Mr. Jonathon Alderson, 1212 Ft. Morgan, spoke in opposition to the proposal.

Mr. Ed Owens, Gresham-Smith & Partners, spoke in favor of the proposal.

Councilmember Toler spoke in favor of the 15 acres proposal located in Davidson County, but opposed the connector street that moves into Williamson County. He did state that he would be in favor of the entire development as long as the list of conditions addressing Cloverland Drive and Old Hickory Blvd. at I-65 were included in the approval.

Mr. Jay West, 5704 Cloverwood Drive, stated that the neighborhood association of the area would support this proposal if Cloverwood Drive would become a cul-de-sac.

Mr. Small summarized the issues before the Commission.

The Commissioners discussed the various options available regarding this development.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve staff recommendations of Preliminary Plat No. 2004S-166U-12, with the cul-de-sacing of Cloverwood Drive, and with the original condition that the Planning Commission made regarding the \$200,000 and the road improvements at the Cloverland Drive intersection, along with the condition that Jones Parkway be connected from Cloverland Drive all the way through to Old Smyrna Road. (9-0)

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-166U-12 is **APPROVED WITH A CONDITION** that the **Cloverland Drive/Church Street intersection in Metro Davidson County be reconstructed according to Metro Public Works’ conditions, to be done at the developer’s expense, and that \$200,000 shall be placed in an escrow account acceptable to Metro to offset the impact of this development on roadways within Davidson County. Such funds shall be spent at the discretion of the Department of Public Works to address roadway issues in the project’s impact area, and that Cloverwood Drive be provided with a permanent dead-end, and that the connection of Jones Parkway to Cloverland Drive take place simultaneously with the connection to Old Smyrna Road in Williamson County. (9-0)**

Conditions of Approval:

At the Cloverland Dr/Church St intersection

1. Improve intersection geometry to improve lane alignment and identified storage lengths for turn lanes. Due to Row restrictions, a 15% skew of the intersecting roads will be allowed. Intersection design shall provide 3 southbound lanes, 2 eastbound lanes, 3 westbound lanes, and 2 northbound lanes. The developer shall also provide for optional driveway relocation for any neighboring properties impacted by the intersection redesign.
2. On project access road, install northbound 12 ft wide left turn lane with 150 ft storage length and transition per AASHTO standards.
3. On project access road, install 12 ft wide northbound through /right lane.
4. On Cloverland, install 12 ft wide southbound through lane.
5. On Cloverland, install new southbound right turn lane with 200 ft storage lane and transition per AASHTO standards.
6. On Cloverland, provide southbound left turn storage length of 300 ft. with 140 ft transition per AASHTO standards.
7. On Church, restripe 2 way left turn lane to left turn lane with storage length as needed for both the eastbound and westbound left turn lanes.
8. On westbound approach, retain right turn lane with 100 ft of storage and AASHTO transition.
9. Modify existing signal to optimize traffic movements with intersection redesign.
10. Install pedestrian signals per ADA standards.

Other Condition Items

1. In lieu of the developer improving Cloverland Drive to collector status, the developer is to place \$200,000 in an escrow account acceptable to Metro. Such funds shall be spent at the discretion of the Dept. of Public Works to address roadway issues in the project’s impact area.
2. All roadway improvements are to be in place prior to issuance of any building permits or an improvement scheduled as approved by Public Works.
3. All drawings require a professional seal.
4. The Metro subdivision regulations require a minimum distance of 300 feet between offset T-type intersections. The preliminary plat as presented will require a variance. If the connection to the existing Cloverwood Drive can not be made within the existing right-of-way using 30 mile/hour design criteria, then the new section of Cloverwood should be a cul-de-sac.
5. The preliminary plat approval is subject to Public Works’ review and approval of construction plans.
6. Prior to the recordation of any final plat for the proposed subdivision, roadway improvements, as required by Metro Public Works, shall be completed or bonded with the first final plat.”

X. FINAL PLATS

27. **2004S-160U-10**
Sharondale Heights, Resubdivision of Lot 13
Map 117-03, Parcel 126
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide one lot into two lots, abutting the east margin of White Oak Drive, approximately 300 feet south of Sharondale Drive (0.71 acres), classified R10, requested by Mickey Collins, owner, Barge, Waggoner, Sumner and Cannon, surveyor.

Staff Recommendation - *Approve*, including a lot comparability waiver and sidewalk variance.

APPLICANT REQUEST - Final Plat

This request is to subdivide one lot into two lots on 0.71 acres on the east side of White Oak Drive.

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.

SUBDIVISION DETAILS-The plan proposes two lots fronting on White Oak Drive. The plan also proposes to demolish the existing residence on the property. The square footage for lot 1 is 13,503 and lot 2 is proposed for 17,294, which are both over the minimum lot size of the R10 zoning district requirement of 10,000 square feet.

Lot Comparability-Lot comparability was reviewed for this subdivision since it is within a predominantly subdivided and developed area. Both lots failed comparability for lot area and frontage. The minimum allowable lot size based on the lot comparability analysis is 19,738 square feet, while the square footage for lot 1 is proposed for 13,503 sq. ft. and 17,294 square feet for Lot 2. The minimum lot frontage figure is 105 feet, while the lot frontage for both lots is proposed for 88.5 feet.

Staff recommends approval of a lot comparability waiver. Section 2-4.7(A) of the Subdivision Regulations state that the Planning Commission may waive lot comparability if “the proposed lot sizes are consistent with the adopted land use policy that applies to the property.” The policy in this area is Residential Low Medium (RLM) policy, which calls for two to four dwelling units per acre. This subdivision plat is consistent with the RLM policy in that two lots are proposed on 0.71 acres, for an overall proposed density of 2.81. The proposed density is consistent with the density range of the RLM policy designated for this area. It is also consistent with the character of the area.

Sidewalk Variance-A sidewalk variance has been requested citing that an existing drainage ditch runs along the frontage of the two lots. A storm pipe and headwalls would be required along the 135 feet of frontage to drain the roadside ditch from south to north.

White Oak Drive is consistent with the street standards for a minor local street. White Oak is also a dead-end street. The sidewalk would be a mid-block sidewalk on a dead-end street.

Staff recommends approval of the sidewalk variance. A section of sidewalk approximately 180 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.

TRAFFIC

Public Works Recommendations - No Exception Taken.

Approved, including a lot comparability waiver and a sidewalk variance **(9-0)**, *Consent Agenda*

Resolution No. 2004 –189

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-160U-10 is **APPROVED, including a waiver for lot comparability, and approved a variance to not construct a sidewalk. (9-0)**”

- 28. **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.

Mr. Kleinfelter announced that Councilmember Shulman along with the applicant have requested that this item be deferred until June 24, 2004.

Mr. McLean moved and Mr. Small seconded the motion, which passed unanimously to DEFER Final Plat No. 2004S-161U-10 until June 24, 2004. (9-0)

The Metropolitan Planning Commission DEFERRED Final Plat No. 2004S-161U-10 to the June 24, 2004 meeting. (9-0)

29. 2004S-167U-10
Belmont Land Company, Resubdivision of Portion of Lots 209 and 210
Map 104-16, Parcel 220
Subarea 10 (1994)
District 18 (Hausser)

A request for final plat approval to subdivide 1 lot into 2 lots, including a variance to the 4 to 1 rule, at 1802 Beechwood Avenue, located along the north side of Beechwood Avenue, opposite Hawthorne Place (0.44 acres), classified RS7.5, requested by Mark Devendorf, surveyor, for Eric and Susan Collison, owners.

Staff Recommendation - *Approve final plat and one foot width variance for new Lot 2*

APPLICANT REQUEST - A request for final plat approval on 0.44 acres to replat a shared lot line including a variance to the 4 to 1 depth to width rule, at 1802 Beechwood Avenue, located along the north side of Beechwood Avenue, opposite Hawthorne Place.

ZONING

RS7.5 district - ~~RS7.5~~ district 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.

SUBDIVISION DETAILS - This is a request to replat two adjacent lots by shifting the shared property line between Lots 209 and 210 two and a half feet to the east. What exists as 50 foot wide lots that are 192 and 194 feet deep are proposed to be 52 ½ and 47 ½ wide with unchanged depth. The lots have been combined for tax purposes but exist as separate, legally platted lots.

VARIANCE REQUEST - Section 2-4.2(E) of the Subdivision Regulations requires that lot width shall not be less than 25% of the average lot depth (the 4 to 1 rule). Existing parcel 209 (proposed Lot 2) is 194 feet deep requiring a minimum width of 48.5 feet (25% x 194). Proposed Lot 2 is 47.5 feet wide, one foot less than the regulations require. Applicant is requesting a one foot (2%) width variance.

Planning staff recommends approval of the variance. It will not set a precedent for further construction in the immediate area as the area is built out. A one-foot variance will not create conditions out of character with existing development on nearby 50 foot wide lots. The existing addition to the house on Parcel 210 is architecturally significant and extends one foot over the mark needed to comply with the 4 to 1 rule. This condition does not apply generally to other structures on the block face.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

Approve final plat and 1 foot width variance for Lot 2, **Consent Agenda (9-0)**

Resolution No. 2004 –190

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-167U-10 is **APPROVED, including a one-foot comparability width variance for Lot 2. (9-0)**”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 30. 88P-038G-13**
Long Hunter Chase
Map 151, Parcels 17 and 22
Subarea 13 (2003)
District 33 (Bradley)

A request for final approval for Phase 3, Section 3 of the Planned Unit Development located abutting the north margin of Hobson Pike, east of Paddington Way (10.2 acres), classified RS15, to permit the development of 41 single-family lots, requested by John Coleman Hayes Development Company, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Request for final Planned Unit Development approval to allow for the development of 41 lots, in two separate sections, on a total of 10.2 acres. The property is located along the north side of Hobson Pike, at the eastern terminus of Mt. View Road.

PLAN DETAILS

The plan proposes a total of 41 single-family lots on two separate tracts within the PUD. Map 151, Parcel 22 will contain 31 lots and will complete Paddington Way, as well as provide the last connection to Ascot Way. Map 151, Parcel 97 will contain the remaining 10 lots along a short cul-de-sac street, as well as providing the last link of Derbyshire Way down to Hobson Pike.

Completion of Smith Springs Pkwy Although not a part of this proposal for final PUD approval, staff has informed the applicant that the Planning Department has a responsibility to ensure that the preliminary (master) PUD plan be constructed and completed as last approved. The current preliminary plan calls for the connection of Smith Springs Parkway from the eastern terminus of Mt. View Road down to Hobson Pike. The completed Smith Springs Parkway will serve the proposed lots on parcel 22. This connection is especially important because the parkway is intended to act as a collector for traffic from Mt. View to Hobson Pike. Since this 1,000-foot section has yet to be completed, traffic is accessing Hobson Pike via the local neighborhood roads within the Long Hunter Chase subdivision. Therefore, staff recommends that the connection be made, or at a minimum bonded for a short time, prior to the recordation of this or any other future plats associated with this PUD master plan.

METRO PUBLIC WORKS' RECOMMENDATION -All comments were adequately addressed by the applicant during the plan review process, except for a comment requiring the completion of Smith Springs Parkway.

CONDITIONS

1. The remaining unfinished portion (approx. 1,000 linear feet) of Smith Springs Parkway shall be completed and open to vehicular traffic prior to the recording of any final plat for this PUD subdivision, or the appropriate performance bond shall be posted with the Metro Planning Department for a bonding period not to exceed 6 months.
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 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.

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

Mr. Greg Harris, John Hayes Development, PC, spoke in opposition to the conditions placed on the development.

Mr. Shawn Henry, developer representative, spoke in opposition to the conditions placed on the proposal.

Councilmember Bradley spoke in favor of staff recommendations as well as the conditions placed on this development.

The Commission members briefly discussed this proposal and the conditions placed on it to obtain approval.

Mr. McLean moved and Ms. Nielson seconded, which passed unanimously to adopt staff recommendations for Planned Unit Development No. 88P-038G-13. **(9-0)**

Resolution No. 2004 –191

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 88P-038G-13 is **APPROVED WITH CONDITIONS.** **(9-0)**

Conditions of Approval:

1. The remaining unfinished portion (approx. 1,000 linear feet) of Smith Springs Parkway shall be completed and open to vehicular traffic prior to the recording of any final plat for this PUD subdivision, or the appropriate performance bond shall be posted with the Metro Planning Department for a bonding period not to exceed 6 months.
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 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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| 31. | <p>2003P-013U-10
 Village Hall
 Map 131-02, Parcels 1, 2 and 3
 Subarea 10 (1994)
 District 34 (Williams)</p> |
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A request for revision to preliminary and for final approval for the Planned Unit Development located abutting the north margin of Hobbs Road, opposite Stammber Place, classified RM4, (4.75 acres), to permit the development of 20 multi-family condominium units, requested by Gresham-Smith & Partners, applicant, for Haury & Smith, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rev. to Preliminary & Final PUD

Request for a revision to the preliminary Planned Unit Development and for final PUD approval to allow for the development of a 20-unit townhouse development on 5.08 acres. The property is located along the north side of Hobbs Road, across from the northern terminus of Stammer Place.

PLAN DETAILS

The applicant's plan proposes an attached townhouse residential development on 5.08 acres. This property is currently a vacant tract that lies just west of another multi-family development and south of the Green Hills YMCA. Hobbs Road is designated as a collector street on the adopted Major Street Plan.

The development calls for attached townhomes of 2 units per structure, where each unit will be provided with a rear-loaded garage. Except for the units fronting Hobbs Road, the remaining units will face open space areas or landscaped recreational areas. The vehicular network is provided through a private driveway system that provides access to each garage as well as providing scattered surface parking for residents and guests. Pursuant to the PUD regulations of the Metro Zoning Code, a single-family or two-family residential development is required to provide a minimum of 15% open space. The applicant exceeds this requirement by providing approximately 62% open space. In addition, the applicant further meets the intent of the regulation by providing the largest section of open space to the rear (north) of the property where it is more heavily vegetated.

Pedestrian Connection to YMCA - As part of the Metro Council approval of the proposed PUD, the district Councilmember added a condition to the plan that a pedestrian connection shall be provided between the YMCA and this site. The applicant has designed this pedestrian connection into the site as part of this request for final PUD approval.

METRO PUBLIC WORKS' RECOMMENDATION

All comments were adequately addressed by the applicant during the plan review process.

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 (9-0), *Consent Agenda*

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-013U-10 is **APPROVED WITH CONDITIONS. (9-0)**

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.”

XII. MANDATORY REFERRALS

32. **2004M-043U-13**
Change Oakwood Forest Drive to Dover Glen Drive
Map 149-6, Parcels 69, 70, 71 and 72
Subarea 13 (2003)
District 33 (Bradley)

A request to change the name of Oakwood Forest Drive to Dover Glen Drive from the intersection of Oak Forest Drive 250 feet south to its terminus, requested by Metro Public Works, applicant.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request to change the name of Oakwood Forest Drive to Dover Glen Drive from the intersection of Oak Forest Drive 250 feet south to its terminus, by Metro Public Works, applicant.

Property owners adjacent to the affected portion of right-of-way have been notified.

Staff supports the requested renaming due to the importance of clearing up discrepancies in street names that could lead to such safety problems as emergency response.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Historical Commission, Water Services, Stormwater, Codes, Emergency Communications Center, and NES.

Approve **(9-0)**, *Consent Agenda*

Resolution No. 2004 –193

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-043U-13 is **APPROVED. (9-0)**”

33. **2004M-044G-06**
Council Bill No. BL2004-254
Surplus property, right-of-way along River Road
Map 101, Parcel 51-01
Subarea 6 (2003)
District 35 (Tygard)

A request to dispose of surplus right-of-way along the north side of River Road from Overall Creek to 1,000 feet east (.92 acres), requested by Harpeth Valley Utilities District, applicant, Metro Government, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request to dispose of surplus right-of-way (0.92 acres) along the north side of River Road from Overall Creek to 1,000 feet east.

DEPARTMENT AND AGENCY COMMENTS - There are no future plans for sidewalks or bikeways along this section of River Road according to the Strategic Plan for Sidewalks and Bikeways. No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Stormwater, Codes, and Emergency Communications Center.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –194

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-044G-06 is **APPROVED. (9-0)**”

34. **2004M-045G-14**
Map 86, Parcel 72
Subarea 14 (1996)
District 14 (White)

A request for a water main and easement acquisition at 3803 Central Pike, Metro Water Services Project No. 99-WG-85, 99WG-86, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for a water main and easement acquisition at 3803 Central Pike, Metro Water Services Project No. 99-WG-85, 99WG-86, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Metro Stormwater Division of Metro Water & Sewerage Services, and Nashville Electric Service. Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –195

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-045G-14 is **APPROVED. (9-0)**”

XIII. OTHER BUSINESS

35. Public Hearing for Fee Changes in the Subdivision Regulations and Other Fees

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

The Commission members discussed the issues associated with the fee change schedule. Issues discussed included deferral of items either by the applicant or the Commission and the definition of incomplete submissions.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the Fee Changes in the Subdivision Regulations and Other Fees. (9-0)

36 Executive Director Reports

a. Limitation on number of items to be considered on Planning Commission agenda

b. Youth liaison to the Planning Commission

37. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 10:00 p.m.



Chairman

Secretary