



**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 12, 2003

Location: Howard School Building
Time: 4:00 pm

Commissioners in attendance:

James Lawson, Chairman
Doug Small, Vice Chairman
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Victor Tyler

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Kathryn Fuller, Planner II
Bob Leeman, Planner III
Preston Mitchell, Planner II
Randy Reed, Planner I
Marie Cheek, Planning Technician I
Chris Wooton, Planning Technician I
Cynthia Wood, Planner III
Jennifer Regen, Planning Manager II
Adrian Bond, Planner I

I. CALL TO ORDER

Meeting called to order at 4pm.

II. ADOPTION OF AGENDA

Ms. Cummings moved and Mr. Small seconded the motion, which unanimously passed, to adopt the agenda. (7-0)

III. APPROVAL OF APRIL 24, 2003 AND MAY 8, 2003 MINUTES

Mr. Kleinfelter addressed commission regarding Zone Change Proposal No. 2001Z-060U-14 and PUD Proposal No. 2003P-007U-14 from the 5/12/03 Planning Commission meeting, to clarify the date of deferral.

Chairman Lawson stated the items were deferred 2 full meetings, and would be heard at the July 10, 2003 meeting.

[Note: The deferral date for these two items was changed at the conclusion of this meeting, and both items will be on the June 26, 2003 Planning Commission agenda.]

IV. RECOGNITION OF COUNCILMEMBERS

No council members were present at this time.

V. OTHER BUSINESS

a. Executive Director Reports

- b. Antioch/Priest Lake Community Plan: 2003 Update
(Deferred from meeting of May 8, 2003).

Staff Recommendation - Approve

REQUEST - Adopt the Antioch/Priest Lake Community Plan: 2003 Update.

This plan replaces the Subarea 13 Plan: 1996 Update.

Public Participation

Staff met with over 150 residents, property owners, and business owners during a series of workshops and meetings held during October 2002 – April 2003. Staff presented the final plan at a meeting on March 11, 2003. Staff held two additional meetings at the requests of in one case, Councilmember Tony Derryberry (March 27, 2003), and in the other case, the Four Corners Neighborhood Association (April 22, 2003) to discuss the draft plan.

Highlights

Land use policies for the developed portions of the community remain substantially unchanged, although in some cases the old land use policy categories used in the 1996 version have been replaced by the equivalent Structure Plan policy used in the new community planning system. An example of this would be the replacement of Major Public Open Space policy with Open Space policy.

The land use policies for undeveloped and developing portions of the community have changed substantially from the 1996 plan to the 2003 version. Most of these undeveloped and developing areas are in the southern portion of the community flanking the Murfreesboro Pike corridor. In the Subarea 13 Plan: 1996 Update, the land use policies for most of this land were divided among Residential Low-Medium, Residential Medium, and Residential Medium-High Density policies. Staff and community participants were concerned that implementing these land use policies over such a large area would result in unattractive, dysfunctional development patterns with different types of housing isolated from one another into single-use communities. This is the development pattern that is now most common for newer development in the Antioch/Priest Lake community, and residents dislike it very strongly. Participants were especially concerned about the possibilities for the development of large areas of purely multifamily housing, a phenomenon many referred to as “the Hickory Hollow mistake.”

Unlike the land use policy arrangement for these areas called for in the 1996 plan, the new plan calls for the development of nearly forty compact new neighborhoods that will each contain an integrated, compatible mixture of housing types. Most of these new neighborhoods will also contain neighborhood centers that could range from small, neighborhood-focused mixed use areas to small open space areas or civic gathering places. An interconnected open space system of greenways has been laid out for these new neighborhoods. Potential sites for new parks and schools have also been identified to serve the growing community, not only in the developing areas, but also within the older developed neighborhoods.

Although community participants largely accepted the fact that the Antioch/Priest Lake community is and will continue to be one of the county’s fastest growing, they still hope to preserve some of the community’s rural character. The plan addresses this in part through the recommended park and greenway system. In addition, a new Structure Plan category called “Corridor Edge” was developed and applied to the scenic Hobson Pike corridor. Corridor Edge calls for very large lot development and farms to preserve the corridor’s rural quality. Finally, the Rural Structure Plan category was applied to the isolated, sparsely developed area east of Percy Priest Lake. This area is not now served with sewers, and neither Metro nor neighboring Wilson County have any intention of providing sewer service to the area.

Another difference worth pointing out between the 1996 plan and the 2003 version is the fact that somewhat more industrial development opportunity has been provided east of the airport. Most of this has occurred due to the replacement of Office Concentration policy with Industrial policy. This was done both because of the weak airport-area office market and the need for more industrial development opportunity.

There have been some changes to the draft since the Commission deferred the draft plan last month. Staff met with Public Works Department staff about the collector street network proposed for the community at Public Works’ request. Planning staff took Public Works’ comments into account and revised the proposed street network. Structure Plan maps showing the changes are enclosed, along with text that is being added to the transportation plan section of the plan (pages 28 and 29).

In addition, some material that was inadvertently omitted from the draft plan that was mailed to you is enclosed. This material is part of Appendix C.

Transportation Plan Language (pages 28-29)

This community plan update identifies Required Street Connections on Figure 7. The connections are also shown on the Structure Plan maps (Figure 4). In addition to providing good neighborhood access to the network of streets with greater functional classifications [i.e. collectors and arterials], the purpose and intent of these required roadways is to facilitate short trips within the community and provide good connectivity among neighborhoods that will result in less dependence, hence less congestion, on streets with greater functional classifications. The local street network as a result of these ‘required street connections’ is designed to reduce travel distances, promote walking, cycling, and access to transit, and help create a strong sense of community.

The ‘required street connections’ are meant to show the minimum degree of roadway connectivity and the general locations of where roadway connections are necessary. This roadway network has been designed to reflect a highly interconnected pattern of streets. These facilities are located at a sufficient distance from the existing and proposed collector and arterial roadway system, as well as each other, to support the efficient movement of motorized and non-motorized travel modes.

In most instances, these new streets are classified as local roads and are meant to help create multiple connections between residential neighborhoods and supporting, community scaled land uses along a discontinuous path, with changes in alignment at intervals deemed appropriate to discourage and minimize “cut through” traffic. The roadway network is designed to support the land uses adjacent to them and to provide a balance between all transportation modes as appropriate for the areas they serve by either accommodating such modes in the design of the roadway or supporting their safe and efficient use on the roadway itself.

The design of the local streets providing ‘required street connections’ will support the goal of achieving lower vehicle operating speeds through residential neighborhoods by requiring a maximum design speed of 20 mph, which will be achieved through:

1. Reducing the intersection curb radii to create visually and physically tight intersections,
2. Elimination of super elevation on curves,
3. Reducing the length of tangent sections between curves, and
4. Presence of street trees adjacent to the road or within the parking lanes to narrow the road appearance.

Other roadway design features and policies that may be utilized to achieve the intended vehicle operating speeds include, but are not limited to:

- Reduction in the lane widths,
- Pavement markings,
- Intersection design and treatments, and
- On-street parking (where appropriate)

Where these roadways provide direct access to a street designated as either an arterial or collector roadway, a transition area prior to the roadway’s intersection with the arterial or collector facility should be established. This transition area will allow sufficient space for emergency vehicles to pass queued vehicles and also allow adequate sight distance at the intersection.

Roadways classified as Collector Streets may also serve to provide connections between residential neighborhoods. Where collectors are identified to function as ‘required street connections’, the design of such collectors shall provide a greater degree of through movement but shall be designed to support alternative modes such as walking and cycling and given the same design consideration as local streets that provide a connecting function with Collectors having a maximum design speed of 30 mph.

Inadvertently Omitted Material (Appendix C):

Page C-28:

Standard Policy 12. Proposals in CE Areas. In areas designated Corridor Edge on the Structure Plan, proposals for single-family residential development with lot sizes no smaller than 20,000 square feet, civic activities, and low-rise public benefit uses may be considered on their merits. All proposals for residential development other than that cited above should meet all of the following criteria to be considered on their merits.

1. The proposal is at a location at which the type of development being sought is supported by a special policy listed below in this section.

2. The proposal is accompanied by an Urban Design or Planned Unit Development overlay district application, as appropriate, to assure design objectives and that the type of development conforms with the intent for CE areas and the location in question.
3. No other special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

Pages C-34-C-36:

| Detailed Land Use Category | Structure Plan Area | | RLM | RM | RMH | RH | CC | NC |
|--|---------------------------------------|--|-----|----|-----|----|----|----|
| | Parks, Reserves, and Other Open Space | | | Y | Y | Y | Y | Y |
| Civic or Public Benefit | | | Y | Y | Y | Y | Y | Y |
| Cemetery | | | Y | Y | Y | Y | Y | Y |
| Single Family Detached | | | Y | Y | N | N | N | Y |
| Single Family Attached & Detached | | | Y | Y | Y | Y | Y | Y |
| Mixed Housing | | | Y | Y | Y | Y | Y | Y |
| Institutional | | | N | N | N | N | N | N |
| Transition or Buffer | | | Y | Y | Y | Y | Y | Y |
| Office | | | N | N | N | N | Y | Y |
| Mixed Live/Work | | | N | N | N | N | Y | Y |
| Mixed Use | | | N | N | N | N | Y | Y |
| Commercial | | | N | N | N | N | Y | Y |
| Light Mixed Industrial | | | N | N | N | N | N | N |
| Heavy Mixed Industrial | | | N | N | N | N | N | N |
| Hazardous Industrial or Mineral Extraction | | | N | N | N | N | N | N |
| Transportation | | | N | N | N | N | N | N |
| Utility | | | N | N | N | N | N | N |
| Amusement and Entertainment | | | N | N | N | N | N | N |
| Agricultural | | | N | N | N | N | N | N |

| Detailed Land Use Category | Structure Plan Area | | NCO | R | OS & POS | CG | CE | NG |
|--|---------------------------------------|--|-----|---|----------|----|----|----|
| | Parks, Reserves, and Other Open Space | | | Y | Y | Y | Y | Y |
| Civic or Public Benefit | | | Y | Y | Y | Y | Y | Y |
| Cemetery | | | Y | Y | Y | Y | Y | Y |
| Single Family Detached | | | Y | Y | N | N | Y | Y |
| Single Family Attached & Detached | | | Y | N | N | Y | N | Y |
| Mixed Housing | | | Y | N | N | Y | N | Y |
| Institutional | | | N | N | N | N | N | N |
| Transition or Buffer | | | Y | Y | N | Y | N | Y |
| Office | | | N | N | N | N | N | N |
| Mixed Live/Work | | | Y | Y | N | Y | N | N |
| Mixed Use | | | Y | Y | N | N | N | N |
| Commercial | | | Y | Y | N | N | N | N |
| Light Mixed Industrial | | | N | N | N | N | N | N |
| | | | NCO | R | OS & POS | CG | CE | NG |
| Heavy Mixed Industrial | | | N | N | N | N | N | N |
| Hazardous Industrial or Mineral Extraction | | | N | N | N | N | N | N |

| | | | | | | |
|-----------------------------|---|---|---|---|---|---|
| Transportation | N | N | N | N | N | N |
| Utility | N | N | N | N | N | N |
| Amusement and Entertainment | N | N | N | N | N | N |
| Agricultural | Y | Y | N | N | Y | N |

| Structure Plan Area Detailed Land Use Category | CMC | CAE | MU | RAC | OT | OC |
|--|-----|-----|----|-----|----|----|
| Parks, Reserves, and Other Open Space | Y | Y | Y | Y | Y | Y |
| Civic or Public Benefit | Y | Y | Y | Y | Y | Y |
| Cemetery | Y | Y | Y | Y | Y | Y |
| Single Family Detached | N | N | Y | N | N | N |
| Single Family Attached & Detached | Y | Y | Y | Y | N | N |
| Mixed Housing | Y | Y | Y | Y | N | Y |
| Institutional | N | N | N | N | N | N |
| Transition or Buffer | Y | Y | Y | Y | N | N |
| Office | Y | Y | Y | Y | Y | Y |
| Mixed Live/Work | Y | Y | Y | Y | N | N |
| Mixed Use | Y | Y | Y | Y | N | N |
| Commercial | Y | Y | Y | Y | N | N |
| Light Mixed Industrial | N | N | Y | N | N | N |
| Heavy Mixed Industrial | N | N | N | N | N | N |
| Hazardous Industrial or Mineral Extraction | N | N | N | N | N | N |
| Transportation | N | N | N | N | N | N |
| Utility | N | N | N | N | N | N |
| Amusement and Entertainment | N | N | N | N | N | N |
| Agricultural | N | N | N | N | N | N |

| Structure Plan Area Detailed Land Use Category | RN | RCC | RCS | IN | I |
|--|----|-----|-----|----|---|
| Parks, Reserves, and Other Open Space | Y | Y | Y | Y | Y |
| Civic or Public Benefit | Y | Y | Y | Y | Y |
| Cemetery | Y | Y | Y | Y | Y |
| Single Family Detached | N | N | N | N | N |
| Single Family Attached & Detached | N | N | N | N | N |
| Mixed Housing | N | Y | N | N | Y |
| Institutional | N | N | N | N | N |
| Transition or Buffer | Y | Y | Y | Y | Y |
| Office | N | N | N | N | N |
| Mixed Live/Work | Y | Y | Y | N | N |
| Mixed Use | Y | Y | Y | N | N |
| Commercial | Y | Y | Y | Y | N |
| | RN | RCC | RCS | IN | I |
| Light Mixed Industrial | N | N | N | Y | N |
| Heavy Mixed Industrial | N | N | N | Y | N |
| Hazardous Industrial or Mineral Extraction | N | N | N | N | Y |
| Transportation | N | N | N | N | Y |
| Utility | N | N | N | N | Y |
| Amusement and Entertainment | N | N | N | N | Y |

| | | | | | |
|--------------|---|---|---|---|---|
| Agricultural | N | N | N | N | N |
|--------------|---|---|---|---|---|

Ms. Cynthia Wood gave presentation.
 Stated 3 citizens had contacted department and asked for addition time to review material.
 Public Works had some additional comments, and staff is ok with deferral to July 10th meeting if applicable.

Mr. Lawson stated public hearing of this item will remain open, and encouraged citizens to speak.

Ms. Linda York, resident of Una-Antioch Pike, requested deferral to allow time for discussion with neighbors and acquisition of more info.

Ms. Vivian Wilhoyt, resident of Flintlock Ct. in District 29, commenting on loss of open space, overcrowding of schools, traffic congestion, and preservation of area characteristics; asking for recreational development of space and time to further discuss plan.

Mr. Tom White, resident of Club Ct., David Cole & Assoc., asked Commission to revisit previously discussed issues.

Mr. Mclean moved and Ms. Nielson seconded motion to defer item until July 10, 2003 meeting, but to keep the public hearing open and take into consideration comments heard.

c. Request by Jimmy Yates of Wamble & Associates, on behalf of his client, Tiara Development LLC, to set a new Public Hearing to rehear Subdivision Proposal 2003S-113G-12, which was disapproved at the May 22, 2003 Planning Commission meeting. The claimant has attached a petition from the homeowners of phase 3 in favor of the sidewalk removal to serve as the cause for the re-hearing.

Deferred until the June 26, 2003 Meeting.

d. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

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

c. Request by Jimmy Yates of Wamble & Associates, on behalf of his client, Tiara Development LLC, to set a new Public Hearing to rehear Subdivision Proposal 2003S-113G-12, which was disapproved at the May 22, 2003 Planning Commission meeting. The claimant has attached a petition from the homeowners of phase 3 in favor of the sidewalk removal to serve as the cause for the re-hearing.

Deferred until the June 26, 2003 meeting. (7-0)

13. 2002P-003U-09 - Park Preserve, Phase 1 and 3

Deferred until the June 26, 2003 meeting. (7-0)

Ms. Nielson moved and Ms. Cummings seconded the motion, which unanimously passed, to defer the above items to the June 26, 2003 meeting. (7-0)

VII. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

- 3. 2003Z-074U-05 - CS to MUL, 1105 Woodland St. - Approve
- 4. 2003Z-076U-10 - OR20 to ORI, Clifton & Charlotte Ave. - Approve
- 6. 2003Z-078U-07 - IR to IG, Centennial Blvd. (unnumbered) - Approve w/ conditions

7. 2003z-079G-03 – OR20 to CS, White’s Creek Pk. (unnumbered) – Approve w/conditions

PRELIMINARY SUBDIVISION PLATS

9. 2003S-055U-10 - McArthur’s Court, 1st Revision (preliminary plat) - Approve w/ conditions
10. 2003S-136G-12 - Sugar Valley, Second Addition - Approve w/ conditions

PLANNED UNIT DEVELOPMENTS (revisions and amendments)

11. 199-83-U-05 - Ellington View Apartments - Approve w/ conditions
12. 96P-011U-14 - River Crest - Approve

MANDATORY REFERRALS

14. 2003M-055U-09-Nashville Children’s Theater Lease Agreement - Approve
15. 2003M-056U-05 - Shelby Bottoms Acceptance of Greenway Easement - Approve
16. 2003M-057U-09 - Nashville & Eastern RR Fiber Optic Cable Agreement - Approve
17. 2003M-058U-09 - Dixieland Delights Sign Encroachment - Approve w/ conditions
18. 2003M-059U-09 - 140 N. 1st Street Property Acquisition - Approve w/ conditions
19. 2003M-060U-09 - Bank of America Plaza Ground Encroachments - Approve w/ conditions
20. 2003M-061U-10 - Warner Music Group Underground Encroachment - Approve
21. 2003M-062U-05 - St. Ann’s Episcopal Church Fence Encroachment -Approve w/ conditions
22. 2003M-063U-09 - Molyneux Entertainment Awning Encroachment - changed to approval with specific conditions (see staff report).
23. 2003M-064U-09 - Close Alley #314 between Cowan St. & Oldham St. -Approve w/ conditions
24. 2003M-065U-07 - Close 50th Ave. N. between Tennessee Ave. & Kentucky Ave. - Approve w/ conditions

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to approve staff recommendations of items on Consent Agenda. (7-0)

[Note: The staff report and formal Commission resolution approving each of the items on the consent agenda can be found below in the order in which the item appeared on the Commission agenda.]

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

1. 2003Z-010T

A request to amend the text of the Zoning Code by amending various sections relative to requiring a planned unit development overlay or an urban design overlay for properties disturbing, altering, modifying, changing, or encroaching on twenty percent or more of the natural floodplain and/or floodway areas required to be preserved, requested by Councilmember John Summers.

Staff Recommendation - Approve

REQUEST - Modify the “Floodplain/Floodway Development Standards” contained in Section 17.28.040 to permit encroachments affecting more than 20% of the preserved natural floodplain provided both of the following occur:

1. The property’s base zoning has not been changed after April 5, 2003; and,
2. The applicant submits, and the Metro Council approves, a planned unit development or urban design overlay district application.

In addition, there are some minor housekeeping items to correct formatting contained in Substitute Ordinance BL2002-1021, and to cross-reference the floodplain/floodway standards elsewhere in the Zoning Code.

ANALYSIS

Background - On March 18, 2003, the Metro Council adopted floodplain/floodway standards which became effective on April 5, 2003. Some large property owners were unaware of this legislation and its affect on the future development potential of their property. These owners requested an amendment to the legislation to “grandfather” in their development potential before BL2002-1021 became effective. Members of The Metro Council directed staff to prepare such an amendment. Staff met with members of Council, large property owners, and representatives of the development community in developing this amendment. A copy of the proposed amendment has been

forwarded to all interested persons.

Existing Code - The Zoning Code protects the natural floodplain through floodway and floodplain development standards contained in Section 17.28.040 by requiring either (a) or (b), whichever results in the greater amount of floodplain area to be preserved and protected:

A minimum of 50% of the natural floodplain area and all of the floodway area; or All of the floodway area plus 50 feet on each side of the waterway.

As of April 5, 2003, these standards apply to all new residential and non-residential development, except properties zoned CC, CF, MUI, MUG, IR, IG and IWD. Public parks, private parks, greenways, golf courses, and state certified wetlands may be located within the preserved and protected floodplain. Limited encroachments into the preserved floodplain area are also permitted by variance. No variance, though, may be granted for more than 20% of the natural floodplain area to be preserved.

Proposed Text Amendment - The proposed text amendment, if adopted by Metro Council, would permit an encroachment to exceed 20% of the natural floodplain area to be preserved provided two conditions are met:

1. The property's base zoning has not been changed after April 5, 2003; and,
2. The applicant submits, and the Metro Council approves, a planned unit development or urban design overlay district application.

Through this amendment, property owners would be allowed the same development potential on their property as existed prior to April 5, 2003. To ensure no additional development is achieved beyond that contemplated by this amendment, and to comply with existing development standards contained elsewhere in the Zoning Code, the following other changes are proposed:

- a. No concurrent zone change request may be submitted with the PUD or UDO application, under this section.
- b. A cluster-lot subdivision within a PUD would have to preserve 66% instead of 50% of the natural floodplain, as currently required by the PUD cluster-lot provisions in Section 17.36.070.
- c. A PUD or UDO application would not be considered by the planning commission, under this section, until after it had been reviewed by the Stormwater Management Committee. A written recommendation must be received from the committee prior to the commission's consideration of the application. The recommendation must state whether the proposed encroachment complies with four specific criteria.
- d. Any subsequent change in the base zoning of a property following the adoption of a PUD or UDO, under this section, eliminates the right to encroach on more than 20% of the natural floodplain area to be preserved.
- e. Cross-references are included to ensure the PUD, UDO, variance, and zoning permit procedures contained in the Zoning Code cross reference the floodplain/floodway standards contained in Section 17.28.040.

Actual Text - The specific changes to the Zoning Code are listed below:

Section 1. By amending Section 17.28.040.A.1, "Floodplain/Floodway Development Standards", by modifying text as follows:

~~A.1. Preserved floodplain. Except as noted below, a~~ All development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of April 5, 2003 ~~the effective date of this ordinance in this section~~, shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities. Except as noted below, no encroachment into the preserved natural floodplain area shall be permitted.

Section 2. By amending Section 17.28.040.B, “Floodplain/Floodway Development Standards”, by modifying text as follows:

~~B-A. Encroachments Affecting 20% or Less of the Preserved Natural Floodplain Area. Limited encroachments into the preserved natural floodplain may be authorized as a variance by the Board of Zoning Appeals Stormwater Management Committee following a written recommendation from the Stormwater Management Committee, as provided in Chapter 17.40, Article VIII of this title and Chapter 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the ~~Committee~~ Board of Zoning Appeals finds that the encroachment(s) reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Of the fifty percent of the natural floodplain area required to be preserved, variances granted under this section shall not be approved for greater than twenty percent of this floodplain area required to be preserved. See Table 17.28.040 for encroachment examples.~~

Table 17.28.040.A: Encroachment Examples

| | | | | |
|--|-----------------|----------------|------------------|------------------|
| Total site acreage | 100 acres | 45 acres | 13 acres | 3 acres |
| Amount of site containing natural floodplain/floodway | 50 acres | 10 acres | 6 acres | 3 acres |
| Amount of site that must be designated as preserved natural floodplain/floodway area | 50% or 25 acres | 50% or 5 acres | 50% or 3 acres | 50% or 1.5 acres |
| Maximum encroachment permitted by a variance into preserved natural floodplain/floodway area | 20% or 5 acres | 20% or 1 acre | 20% or .60 acres | 20% or .30 acres |

Section 2.By amending Section 17.28.040, “Floodplain/Floodway Development Standards”, by adding the following new paragraph as paragraph “B” and renumbering paragraphs “C”, “D”, “E”, and “F” to read “D”, “E”, “F”, and “G”:

B. Encroachments Affecting More Than 20% of the Preserved Natural Floodplain Area. Development (including all phases) may disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved, provided the base zoning district has not changed after April 5, 2003, and the applicant submits and the metropolitan council approves, a planned unit development district or urban design overlay district application, as provided below.

1. Overlay District Applied. The applicant shall submit an application for a planned unit development district as set forth in Chapter 17.36 along with a master development plan created pursuant to this section, or an application to apply an urban design overlay district as set forth in Article XIII of this title.

a) A request for a planned unit development district or urban design overlay district may not be accompanied by a concurrent request to change the base zoning.

b) Any planned unit development district that utilizes a cluster lot subdivision for single-family or two-family development shall comply with the provisions of Section 17.36.070 regarding the amount of floodway and floodplain areas required to be preserved and not the amount specified under “Preserved Floodplain” in Section 17.28.040. Notwithstanding the above, all other provisions of Section 17.28.040 shall apply.

c) The planning commission shall consider a planned unit development district or an urban design overlay district request under this section, after it has been reviewed by the Stormwater Management Committee. The Committee shall provide a written recommendation to the planning commission, prior to the commission meeting, based upon the proposed development complying with all of the following criteria:

- i. The encroachment does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County;
- ii. The encroachment does not jeopardize the Metropolitan Government of Nashville and Davidson County’s eligibility for federal or state-funded flood insurance or other forms of disaster relief;

- iii. The encroachment does not inhibit, prevent, constrain, restrict, or impede the design or construction of any greenway or park as shown on the adopted general plan; and,
- iv. The encroachment does not create or materially increase a flooding hazard to persons or other property located within the natural floodplain and/or floodway area.

4. Subsequent Change in Base Zoning. Following adoption of a planned unit development district or urban design overlay district pursuant to this section, any subsequent change in the base zoning district classification shall eliminate the right under this section to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 3. By amending Section 17.28.040.E.2, “Residential Development: Cluster Lots”, by adding the following text:

2. Cluster Lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas is encouraged to employ the cluster lot option of Sections 17.12.080 or 17.36.070. Any cluster lot subdivision proposed pursuant to Section 17.36.070, and which intends to encroach into the natural floodplain area required to be preserved by that section shall also comply with A or B of Section 17.28.040. Residential lots under the cluster lot option may be clustered within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.080.

Section 4. By amending Section 17.36.070.B, “Residential Standards: Common Open Space”, for a planned unit development district, by adding the following text:

B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Sections 17.28.040 and 17.40.120.

Section 5. By amending Section 17.36.080, “Non-Residential and Mixed-Use Standards” for a planned unit development district, by modifying the section title and inserting the following text:

- Multi-family, Non-residential, and mixed-use standards.

C. Floodplain development. Any master development plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.

Section 6. By amending Article VIII, “Urban Design Overlay District”, by adding a new section, “17.36.305” as follows:

17.36.305 Floodplain development.

Any design plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title. Following adoption of an urban design overlay district, any subsequent change in the base zoning district classification shall eliminate the right under Section 17.28.040.B to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 7. By amending Sections 17.40.120.F.1b and 17.40.120.F.4, “Changes to a Planned Unit Development District”, by adding the text that follows:

- 1b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance, or any floodplain encroachment specified by the enacting ordinance or shown on the council approved plans, shall be authorized by council ordinance;
- 4. Subsequent Change in Zoning District. Following adoption of a PUD district, no subsequent change in zoning district classification shall occur within that PUD without concurrent reapproval

of the master development plan by the planning commission and council-, except any subsequent change in the base zoning district classification for a PUD approved pursuant to Section 17.28.040.B shall eliminate the right under that section to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 8. By amending Section 17.40.130.E, “Changes to an Urban Design Overlay District”, by adding the text that follows:

E. Changes to an Urban Design Overlay District. An application to modify an approved urban design overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection C of this section. A proposed change in the geographic boundary of an urban design overlay district on the official zoning map or any floodplain encroachment approved pursuant to Section 17.28.040.B shall be considered by the council according to the procedures of Article III of this chapter (Amendments).

Section 9. By amending Section 17.40.340, “Limits to Jurisdiction”, by adding the text that follows:

The board shall not grant variances to the land use provisions of Section 17.08.030, the density or floor area ratio (FAR) standards of Tables 17.12.020B and 17.12.020C, nor the required size of residential lots approved by the planning commission under the authority of Section 17.12.070, (Lot averaging), Section 17.12.080, (Cluster lot option) or Section 17.36.070C (PUD), nor any floodplain encroachment approved pursuant to Section 17.28.040.B. Further, the board shall not act on a variance application within a planned unit development (PUD), urban design overlay or institutional overlay district without first considering a recommendation from the planning commission.

Section 10. By amending Section 17.40.530, “Zoning Permit Application”, by modifying the text that follows:
17.40.530 Zoning permit application.

The application requirements for a zoning permit shall be established by the zoning administrator in a form and content appropriate to demonstrate that all structures or use of property will be done in compliance with all applicable provisions of this code. No zoning permit shall be issued:

- A. Prior to approval of a final site plan by the planning commission for properties located within a planned unit development (PUD) overlay district, or any other overlay district requiring approval by the planning commission under Section 17.40.170B;
- B. For development within a floodplain overlay district or containing natural floodplain or floodway as provided in Section 17.28.040, prior to approval of a grading and drainage plan by the department of ~~water services~~public works;
- C. For erection of a structure within the airport overlay district prior to approval by the metropolitan Nashville Airport Authority;
- D. For an adult entertainment establishment unless all locational standards established by Chapter 17.36, Article VII are satisfied;
- E. For a special exception use prior to approval by the board of zoning appeals; or
- F. For any manufacturing use or other use, where a compliance certification is required pursuant to Section 17.28.103 of this code.

Ms. Jennifer Regen stated staff recommends approval.

Ms. Jones asked about verbage being changed after commission approves.

Mr. Bernhardt clarified verbage.

Ms. Nielson moved and Mr. McLean seconded the motion to approve the staff recommendation of Approval. (7-0)

Resolution No. 2003-207

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Text Change Proposal No. 2003Z-010T is **APPROVED (7-0).**”

2. **2003Z-061G-06**
Map 155, Parcel 123
Subarea 6 (1996)
District 35 (Tygard)

A request to change from RS40 district to CL district property at Route 5 Highway 100, abutting the southern margin of Highway 100, (1.5 acres), requested by Frank Shope, applicant, for J. Greg Hardeman, trustee.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Rezone 1.5 acres from residential single-family (RS40) to commercial limited (CL) on the south side of Highway 100, near Old Harding Pike.

Existing Zoning

RS40 district - RS40 zoning is intended for single-family homes on 40,000 sq. ft. lots.
Proposed Zoning

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

BELLEVUE COMMUNITY PLAN: 2003 UPDATE

Single Family Attached and Detached - The Bellevue Community Plan: 2003 Update provides detailed land use categories to refine the Structure Plan areas within the Plan. Single Family Attached and Detached is described by the Plan as including “a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhouses).”

Policy Conflict - Yes, but with an explanation. The proposed CL zoning district is not consistent with the Single Family Attached and Detached land use category that applies to this area in the current Bellevue Community Plan. This area, however, has been the subject of community meetings to discuss updates to the Plan. At these meetings, the public has expressed significant support for extending the Neighborhood Center node immediately to the east on Highway 100 to include more commercial properties. Following the community meetings, staff has received five e-mails regarding expansion of this commercial node – three have been in favor and two in opposition.

Staff will make recommendations to the Commission regarding updates to the Bellevue Community Plan at the Commission’s July 24 meeting. Based upon the community input to date, it is anticipated that the staff recommendation to the Commission will be to approve extending commercial policy to include this property.

RECENT REZONINGS - Yes. Parcel 113, on the north side of Highway 100, was rezoned to CL with an associated PUD in August of 2002, to allow for a Walgreen’s and retail shops.

TRAFFIC - Based on typical uses in CL district approximately 430 (office) to 1,600 (specialty retail) to 4,370(supermarket) vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - A traffic impact study may be required for future development.

CONDITIONS - To help minimize the number of driveway cuts at the Collins Road/Highway 100 intersection the following condition has been included in the council bill.

1. No direct access to Highway 100 will be allowed from parcel 123 on tax map 155. All access from this parcel must be through the existing driveway in the adjacent Planned Unit Development.

Mr. David Kleinfelter stated staff recommends approval with conditions, and majority of public emails have been in favor of policy change or rezoning.

Mr. Elmo Chester, resident of Collins Rd., spoke in favor of zoning change.

Mr. A. W. Chaffin, 5012 Chaffin Dr., closest resident to project, spoke in favor of rezoning.

Mr. Frank Shope, 8677 Hazelton Rd., 2 mi. from project and applicant, spoke in favor of zone change.

Mr. Richard Jones, 109 Holiday Ct., asked Commission to approve.

Mr. William Rout, 5023 Cameron Dr., spoke against rezoning due to possible hardware store on site, referring to Subarea 6 Charette, and concerns for opening up area to undesirable projects.

Councilman Tygard addressed commission with regards to Subarea 6 plan and community meeting held in May 2003, citing positive feedback from public constituents, and spoke in favor of rezoning.

Mr. Kleinfelter commented in regards to one email with negative feedback.

Ms. Nielson commented this action is for rezoning of property, not for the building of a hardware store.

Ms. Cummings asked what other structures can be built on land zoned CL.

Mr. Kleinfelter listed commercial items applicable.

Mr. Small stated rezoning was contrary to general plan, and encouraged staff to look at entire node to see if policy needs to be changed.

Ms. Jones clarified time spent on each node of plan during previous community meetings.

Ms. Nielson stated fluidity of policy lines.

Ms. Jones stated time has been taken to implement style to fit in with surrounding area.

Mr. Lawson asked for caution in decision of item due to commission being dangerously close to lack of community support and integrity of charette process, and asked fellow commissioners to keep in mind position any decision may put the Commission in regarding future zoning.

Ms. Jones asked Mr. Kleinfelter about the process of review, and discussion ensued.

Ms. Jones moved and Ms. Nielson seconded the motion to approve the staff recommendation of approve with conditions. (5-2)

Resolution No. 2003-208

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-061G-06 is **APPROVED WITH CONDITIONS (5-2)**.”

Conditions of Approval:

To help minimize the number of driveway cuts at the Collins Road/Highway 100 intersection the following condition has been included in the council bill.

1. No direct access to Highway 100 will be allowed from parcel 123 on tax map 155. All access from this parcel must be through the existing driveway in the adjacent Planned Unit Development.”

3. **2003Z-074U-05**
Map 83-9, Parcel 485
Subarea 5 (1994)
District 6 (Beehan)

A request to change from CS district to MUL district property located at 1105 Woodland Street, between N. 11th Street and N. 12th Street, (0.34 acres), requested by Scott Chambers, for Germantown Partners, LLC, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone .34 acres from CS to MUL district property at 1105 Woodland Street between N. 11th Street and N. 12th Street.

Existing Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto repair, auto sales, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SUBAREA 5 PLAN POLICY

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.

POLICY CONFLICT - None. The proposed zoning conforms to the subarea designation. There are MUL zoned properties on both sides of this block of Woodland St. Along with OR 20 in the vicinity, the proposal helps to establish a mixed use buffer between the predominant CS zoning to the west and the R6 neighborhood to the east.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the MUL district, approximately 98 to 163 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS - No exception taken.

SCHOOL STUDENTS GENERATED* 2 Elementary 2 Middle 1 High

Schools Over/Under Capacity -Students would attend Ross Elementary, Bailey Middle School and Stratford High School. Ross Elementary is currently overcrowded according to the Metro School Board. This information is based upon 2002-03 data from the school board.

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

Approved (7-0), Consent Agenda

Resolution No. 2003-209

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-074U-05 is **APPROVED (7-0).**”

-
4. **2003Z-076U-10**
Map 92-11, Parcel 68
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from OR20 district to ORI district property located between Clifton and Charlotte Avenues and between 20th and 21st Avenues (unnumbered), (.55 acres), requested by Michael Calhoun, for the American Cancer Society, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.55 acres from OR20 to ORI district property at 2008 Charlotte Avenue.
Existing Zoning

OR20 district - Office/Residential 20 is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

ORI district - Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

SUBAREA 10 PLAN POLICY

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.

POLICY CONFLICT - None. Area 8A of the Subarea 10 Plan is slated for an intensive, mixed use development pattern along with increased densities to promote compact growth and prevent sprawl into surrounding policy areas. The subarea plan recognizes the expansion and intensification of the health care industry, related residential, and other mixed uses in this district.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the ORI district approximately 470 to 790 vehicle trips per day could be generated. This is based on a maximum F.A.R. of 3.0 and apartment units of 1,000 square feet. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS - No exception taken.

SCHOOL STUDENTS GENERATED* 5 Elementary 4 Middle 3 High

Schools Over/Under Capacity - Students would attend Harpeth Valley Elementary, Bellevue Middle School, and Hillwood High School. Harpeth Valley and Bellevue are listed as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

* The numbers for ORI zoning are based upon students that would be generated if the ORI zoning were to develop as multi-family units of 1,000 square feet at an F.A.R. of 3.0.

Approved (7-0), Consent Agenda

Resolution No. 2003-210

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-076U-10 is **APPROVED (7-0).**”

-
- 5. **2003Z-077U-13**
Map 149, Parcels 44 and 225
Map 163, Parcel 189
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a district to RS10 district property located at 2544, 2558 and 2572 Una Antioch Pike, (13.3 acres), requested by Don Thornberry, agent for Ted Price, Elmer Marshall and Don Thornberry, owners.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 13.3 acres from AR2a to RS10 district property located at 2544, 2558 and 2572 Una Antioch Pike

Existing 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 is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

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 13 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 - None. Area 4E of the Subarea 13 Plan recognizes existing zoning and development in the area of 2 to 4 units per acre. The proposed zoning would allow development at a maximum of 3.7 units per acre, or a total of 49 units.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the RS10 district, approximately 470 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS - No exception taken.

SCHOOL STUDENTS GENERATED 10 Elementary 7 Middle 6 High

Schools Over/Under Capacity - Students would attend J.E. Moss Elementary, Apollo Middle School and Antioch High School. Apollo and Antioch are listed as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

Mr. Randy Reed stated staff recommends approval.

Ms. Linda York, 2492 Una Antioch Pk., stated concerns of congestion and traffic in area, and spoke against rezoning.

Mr. Don Thornberry, property owner real estate agent, representing the Marshall family and the Price family, spoke in favor of rezoning area to mirror surrounding zoning, and to draw development of single-family homes.

Ms. Nielson questioned Mr. Reed on map and area plans.

Mr. McLean moved and Mr.Small seconded the motion to approve the staff recommendation of Approval. (7-0)

Resolution No. 2003 -211

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-077U-13 is **APPROVED (7-0).**”

6. **2003Z-078U-07**
Map 80, Parcel 3
Subarea 7 (2000)
District 22 (Hand)

A request to change from IR district to IG district property at Centennial Boulevard (unnumbered) located approximately 1,000 feet east of Centennial Boulevard and 300 feet west of Briley Parkway, (4.31 acres), requested by Mark Cohen of Pull-A-Part, for the State of Tennessee, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 4.31 acres from IR to IG district property at Centennial Boulevard (unnumbered), 300 feet west of Briley Parkway.

Existing Zoning

IR district - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

IG district - Industrial General is intended for a wide range of intensive manufacturing uses.

SUBAREA 7 PLAN POLICY

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 None. This portion of Area 11A of Subarea 7 is suitable for expanded industrial development due to its surrounding industrial development and separation from any residential uses.

PLAN DETAILS - This triangular parcel is bounded on two sides by railroad tracks. Access is only through parcel 75, adjacent to the northwest. The owner of parcel 75 is the optionee on the subject parcel and wishes to expand the existing business which is zoned IG.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the IR and IG districts, the proposed zoning would result in a reduction of daily vehicle trips from 31 to 29. (Institute of Transportation Engineers, 6th Edition, 1996.)

TRAFFIC ENGINEER'S COMMENTS - No exception taken.

CONDITIONS

1. Prior to the issuance of any building permits, parcels 3 and 75 must be consolidated.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-212

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-078U-07 is **APPROVED WITH CONDITIONS (7-0)**.”

Conditions of Approval:

1. Prior to the issuance of any building permits, parcels 3 and 75 must be consolidated.”

7. **2003Z-079G-03**
Map 40, Parcel 101
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from OR20 district to CS district property located at White's Creek Pike (unnumbered), (.55 acres), requested by Craig Dowell, agent for Carl Krantz, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 0.55 acres from OR20 to CS district properties at White's Creek Pike (unnumbered), south of Old Hickory Boulevard.

Existing Zoning

OR20 district -Office/Residential 20 is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto repair, auto sales, self-storage, light manufacturing and small warehouse uses.

SUBAREA 3 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 are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

POLICY CONFLICT - None. CAE policy is applied around the White's Creek Pike/Old Hickory Boulevard intersection. Unlike other CAE areas within the subarea that developed in a linear pattern, this CAE reflects the nodal concept. Area 11E of the Subarea 3 Plan states, "The application of CAE policy will provide opportunities for expansion of existing uses and development of new small scale compatible uses. Additional land for new businesses and adequate parking is considered critical for continued viability of the area."

PLAN DETAILS

The applicant also owns parcel 45 to the east and has stated an intention to consolidate the two properties. Access will be from White's Creek Pike. Consolidation will be a condition of approval.

RECENT REZONINGS - None.

TRAFFIC

Existing OR20 zoning would be expected to generate 75-200 vehicle trips per day. The proposed CS zoning would generate approximately 780-1,060 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS - No exception taken.

CONDITIONS

1. Applicant must consolidate parcels 101 and 45 prior to the issuance of any building permits.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –213

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-079G-03 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Applicant must consolidate parcels 101 and 45 prior to the issuance of any building permits."

-
8. **2003Z-080U-12**
Map 162, Parcel 55
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RM20 district property located at 91 Tusculum Road along the south margin of Tusculum Road at Benzing Road, (4.45 acres), requested by Gary Batson, agent for Janie Broadhead, owner.

Staff Recommendation - *Disapprove RM20, but approve RM9*

APPLICANT REQUEST - Rezone 4.45 acres from AR2a to RM20 district property located at 91 Tusculum Road, at Benzing Road.

Existing 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 is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

RM20 district - RM20 zoning is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

SUBAREA 12 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.

Area 5G Policy - “This area includes the Brentridge, Timberlake and Saxony apartments with densities ranging from 9 to 15 units per acre. [I]n addition to the standard RMH policies, the following guideline applies to development in this area: *For the portion of this area with primary access from Tusculum and Benzing Roads, developments should be at the lower-end of the density range.*

POLICY CONFLICT - Yes. The property is located at Tusculum and Benzing Road. RM20 zoning would allow 20 units per acre or 89 total units. The subarea plan clearly indicates a desired density limit of 9 units per acre, which would allow a total of 40 units on this property. Appropriate zoning for this parcel would be RM9. Staff recommends that the Commission approve RM9 for this parcel and that the council bill be amended to RM9.

RECENT REZONINGS - None.

TRAFFIC

Based on typical uses in the RM20 district, approximately 590 vehicle trips per day could be generated. RM9 would generate approximately 265 trips. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER’S COMMENTS - No exception taken.

SCHOOL STUDENTS GENERATED 6 Elementary 4 Middle 4 High

Schools Over/Under Capacity -Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three schools have been identified as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

Mr. Randy Reed stated staff recommends disapproval of OR20, but approval of RM9

Ms. Renee Goodwin, resident Benzing Rd., spoke against rezoning due to traffic congestion, narrow road conditions, and school overcrowding.

Mr. Frank Watson, resident, spoke against rezoning due to increased traffic rezoning would bring.

Mr. Gary Batson spoke in favor, and asked for meeting with neighbors outside afterward.

A resident of Tusculum Rd. spoke against rezoning due to heavier traffic congestion and possible lowering of property values.

Mr. Kelvin Pennington, developer of property, stated there are no intentions of building apartments, but possible townhomes, and only in density approved. Is willing to address homeowners' concerns after commission meeting.

Mr. Halbert Lincoln, resident of 80 Tusculum Rd., spoke against proposed zoning, citing traffic as major concern.

Resident of Tusculum Rd. addressed commission for disapproval, due to heavier traffic and possible flooding, and remarked a lack of representation by the district councilmember.

Mr. Mike Goodwin, 215 Benzing Rd., stated runoff from present apartments causes his home to flood, and future development would cause further problems with flooding and traffic.

Mr. J. Andrew Smith, engineer from Public Works addressed commission regarding traffic congestion; stated plans have not been seen, but if zoning succeeds, traffic issues will be addressed as part of the review process.

Mr. McLean questioned Mr. J. Andrew Smith about number of lanes on Tusculum Rd.

Discussion of possible deferral continued amongst commissioners.

Ms. Nielson motioned to disapprove OR20 and defer consideration of the RM9 until June 26, 2003 meeting.

Mr. Lawson asked to clarify traffic recommendations and location of drive.

Mr. Small clarified the decision will be made on zoning, not on possible development of townhomes.

Mr. Small 2nded motion to defer until June 26, 2003 (7-0)

The Metropolitan Planning Commission **DEFERRED (7-0)** a recommendation on Zone Change Proposal No. 2003Z-080U-12. This proposal was deferred until the meeting of June 26, 2003 by request of the applicant.

IX. PRELIMINARY SUBDIVISION PLATS

9. 2003S-055U-10

McArthur's Court, 1st Revision (Preliminary Plat)
Map 131-11, Parcels 81 and 82
Subarea 10 (1994)
District 34 (Williams)

A request for revised preliminary plat approval to subdivide two lots into six lots, and a variance for sidewalks abutting the west margin of Granny White Pike, approximately 330 feet south of Harding Place (7.48 acres), classified within the R40 district, requested by Carissa Meyer, owner/developer, E. Roberts Alley and Associates, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 7.48 acres, located on the west margin of Granny White Pike, approximately 330 feet south of Harding Place, into 6 lots.

ZONING

R40 district - R40 zoning requires a minimum lot size of 40,000 square feet. Proposed lot sizes range from 40,216 square feet to 49,920 square feet. The existing residence on the property is to remain.

SUBDIVISION DETAILS

This subdivision consists of six lots centered around a cul-de-sac on the west side of Granny White Pike. This is a revised preliminary plat. A preliminary plat approved by the planning commission on 3/13/03 included sidewalks. Section 2-6.1.B.6 of the Subdivision Regulations requires sidewalks on residential lots zoned or proposed for less

than 20,000 square feet. Because they are not required by the Regulations, the applicant has chosen not to include sidewalks on this revised preliminary plat.

The Homeowner's Association will be responsible for the maintenance of any landscaping located within the right-of-way.

TRAFFIC ENGINEER'S FINDINGS

See Below.

FINDINGS AND CONDITIONS

1. Prior to the recording of the final plat an agreement will need to be executed with the Public Works Department concerning the maintenance of the landscaping in the right-of-way.
2. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
3. Construction plans must show, per AASHTO standards, that emergency service vehicles will be able to safely maneuver the cul-de-sac.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-214

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-055U-10, is **APPROVED WITH CONDITIONS (7-0)**.

Conditions of Approval:

1. Prior to the recording of the final plat an agreement will need to be executed with the Public Works Department concerning the maintenance of the landscaping in the right-of-way.
2. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
3. Construction plans must show, per AASHTO standards, that emergency service vehicles will be able to safely maneuver the cul-de-sac."

-
- 10. 2003S-136G-12**
Second Addition to Sugar Valley
Map 181, Part of Parcel 19
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval for 134 lots abutting the east terminus of Sugarplum Road, approximately 150 feet east of Campton Road (41.99 acres), classified within the RS10 district, requested by Sugar Valley G. P., owner/developer, Anderson-Delk & Associates Inc., surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat - Subdivide 41.99 acres into 134 single-family lots in four phases, at the terminus of Sunnywood Drive, north of Culbertson Road.

ZONING

RS10 district - RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 units per acre.

Zoning History - This property was rezoned to RS10 in April of 2003 (Council Bill BL2003-1325).

Cluster Lot Option - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,300 square feet to 12,000 square feet.

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 successfully complies with this requirement by proposing a total of 9.79 acres (23.3%) of open space, which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Street Connectivity - As was a condition of the zone change for this property, no access is provided to Culbertson Road. The proposed plat provides connections to the three existing stub-streets within the Sugar Valley PUD to the north, as was planned with that PUD. This plan also provides three stub-streets to the east for future development, and one to the north.

Floodplain - Only 1.91% (0.8 acres) of this site lies within the Mill Creek floodplain. The plan proposes 50% of this area to remain undisturbed.

Public Works Recommendation - The Public Works Department recommendations are not yet available and should be provided at the commission meeting.

Zone Change Conditions:

1. The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.

2. The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.

3. Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.

4. The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.

2. As per note #9 on the plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.

Approved with conditions (7-0), Consent Agenda

Resolutions No. 2003-215

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-136G-12, is **APPROVED WITH CONDITIONS (7-0)**.”

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. As per note #9 on the plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.”

X. PLANNED UNIT DEVELOPMENTS (revisions)

11. 199-83-U-05

Ellington View Apartments (formerly Cobblestone Corner PUD)
Map 61, Parcel 86
Subarea 5 (1994)
District 4 (Majors)

A request for final approval for a phase of the Residential Planned Unit Development located abutting the southern terminus of Lemont Drive, north of Ben Allen Road, classified RM9, (10 acres), to permit the development of 32 apartment units in eight two story buildings, requested by Gresham-Smith and Partners, for Woodbine Community Organization, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Request for final PUD approval to allow for the development of 32 apartment units, in a stacked 8-building configuration, and a 5,000-square foot community building on approximately 10 acres. The property is located along the east side of Ellington Parkway, north of Ben Allen Road.

PLAN DETAILS - The proposed plan preserves the environmentally sensitive hillsides, which exceed 15% slope. The revised plan proposes a 5,000 square-foot community building that is accessible by a seamless network of internal sidewalks and appropriate crosswalks.

A portion of the proposed development encroaches into a Ewing Creek drainage basin that services the existing Cobblestone Corners Apartments, and the Poplar Glen Subdivision. The applicant has received conditional approval from Metro Water Services, however, and is aware that new water quality requirements must be met in addition to existing quantity requirements. Ingress and egress to the site is provided via direct access off Lemont Drive and off Ben Allen Road through the Cobblestone Corners Apartments.

TRAFFIC ENGINEER'S FINDINGS - Approve

CONDITIONS

1. If the existing public utility drainage easement is relocated or resized, the current 1999 plat needs to be replatted to account for revised public utility and drainage easements.
2. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-216

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 199-83-U-05 is **APPROVED WITH CONDITIONS (7-0)**.

Conditions of Approval:

1. If the existing public utility drainage easement is relocated or resized, the current 1999 plat needs to be replatted to account for revised public utility and drainage easements.
2. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

-
- 12. 96P-011U-14**
River Crest
Map 85-14-A, Parcel 39
Subarea 14 (1996)
District 14 (Stanley)

A request to the Metropolitan Board of Zoning Appeals for a variance to Section 17.12.040 of the Metropolitan Code to permit a variance for an existing six foot high opaque fence where only a two and one-half foot fence is permitted. Appeal Case No. 2003-86.

Staff Recommendation - *Approve*

APPLICANT REQUEST

Variance within a PUD - Request for a variance to Section 17.12.040, Item 26 (Other Setbacks – Permitted Setback Obstructions) of the Zoning Ordinance to allow for an existing privacy fence, which is taller than 2.5 feet, to remain within the 10-foot setback area.

PROPOSAL DETAILS

The Metro Zoning Code allows for fences, not exceeding 2.5 feet, to encroach within 10 feet of a street right-of-way. Open fences however, such as a chain link fence or those of a similar nature, are permitted within the 10-foot setback but must not exceed 6 feet in height.

It was determined that the existing fence was non-compliant because the fence was opaque and taller than 2.5 feet. Therefore, the property owner requested a variance to the Metro Zoning Ordinance in lieu of removing or moving the fence.

Planning Commission staff is reviewing this variance request because the property is located within an existing Planned Unit Development. Any action taken by the Metro Planning Commission will be provided as a recommendation to the Board of Zoning Appeals.

Staff recommends approval of this variance for the following reasons:

1. This request is consistent with the original PUD and does not affect the land use characteristics of the surrounding properties.
2. The existing fence does not create a sight visibility problem for the abutting neighbor since the fence basically follows the pavement line of the existing cul-de-sac.

Approve (7-0), Consent Agenda

Resolution No. 2003-217

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 96P-011U-14 is **APPROVED (7-0)**.”

- 13. 2002P-003U-03**
Park Preserve, Phases 1 and 3
Map 59, Parcels 135 and 208
Subarea 3 (1998)
District 2 (Black)

A request for a revision to the preliminary plan and for final approval for Phase One of the Planned Unit Development located abutting the east margin of White’s Creek Pike, south of Revels Drive, classified RM9, (83.15 acres), to permit the development of 325 multi-family units and 29 single-family lots to replace 327 multi-family units and 25 single-family lots, requested by Ragan-Smith Associates, for PHP Ministries Inc., owner.

Approve with conditions (7-0), Consent Agenda

The Metro Planning Commission deferred this item to the June 26, 2003 meeting. (7-0)

XI. MANDATORY REFERRALS

- 14. 2003M-055U-09**
Nashville Children's Theater Lease Agreement
Subarea 9 (1997)
District 19 (Wallace)

An Ordinance approving a lease agreement between Nashville Children's Theater and Metro Government, acting through Real Property Services, for certain real property located at 724 2nd Avenue South. This Ordinance approves a lease for no longer than 15 years with one 15-year Option of Renewal, and that the Director of Public Property Administration shall have authority to approve any and all expansion and/or renovation projects presented by and for the Nashville Children's Theater.

Staff Recommendation - Approve

APPLICANT REQUEST - An Ordinance approving a lease agreement between Nashville Children's Theater and Metro Government, acting through Real Property Services, for certain real property located at 724 2nd Avenue, South. This Ordinance approves a lease for no longer than 15 years with one 15-year Option of Renewal, and states that the Director of Public Property Administration shall have authority to approve any and all expansion and/or renovation projects presented by and for the Nashville Children's Theater.

APPLICATION REQUIREMENTS – None

DEPARTMENT AND AGENCY COMMENTS

The Real Property Administration within the Department of Finance has recommended approval of the requested lease renewal.

Planning Department staff recommends approval of this lease agreement because the existing theater is a suitable use for this location. The Children’s Theater provides artistic opportunities for local and regional children, and there is adequate parking for the facility.

Approve (7-0), Consent Agenda

Resolution No. 2003-218

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-055U-09 is **APPROVED (7-0).**”

-
- 15. 2003M-056U-05**
Shelby Bottoms Acceptance of Greenway Easement
Subarea 5 (1994)
District 8 (Hart)

An Ordinance authorizing acceptance of a donated easement, approximately 0.58 acres in size, on private property, located at the intersection of Moss Rose Drive and McGinnis Drive and owned by John Colley, for purposes of constructing a greenway bridge and connector trail for the Shelby Bottoms / Cooper Creek Bridge, as requested by the Department of Real Property Services.

Staff Recommendation - Approve

APPLICANT REQUEST - An Ordinance authorizing acceptance of a donated easement, approximately 0.58 acres in size, on private property, located at the intersection of Moss Rose Drive and McGinnis Drive and owned by John Colley, for purposes of constructing a greenway bridge and connector trail for the Shelby Bottoms / Cooper Creek Bridge, as requested by the Department of Real Property Services.

APPLICATION REQUIREMENTS – None

DEPARTMENT AND AGENCY COMMENTS

The Parks & Recreation Department requested that the Department of Real Property Services file the necessary paperwork to accept this donation of land for the Shelby Bottoms Greenway. The Public Property Administration within the Department of Finance has recommend approval of the request.

Approve (7-0), Consent Agenda

Resolution No. 2003-219

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-056U-05 is **APPROVED (7-0).**”

-
- 16. 2003M-057U-09**
Nashville & Eastern Railroad Fiber Optic Cable Agreement
Subarea 9 (1997)
District 15 (Loring)

An Ordinance authorizing the Metropolitan Mayor to enter into a fiber optic cable agreement with Nashville & Eastern Railroad Corporation allowing the Metro Information Technology Services Department to install fiber optic cable in the railroad right-of-way from M.P. 0.97 and then running east to the Metro Transit Authority (MTA) site, and also authorizing approval of all future Nashville & Eastern Railroad Corporation license agreements by Resolution.

Staff Recommendation – Approve

APPLICANT REQUEST - An Ordinance authorizing the Metropolitan Mayor to enter into a fiber optic cable

agreement with Nashville & Eastern Railroad Corporation, allowing the Metro Information Technology Services Department to install fiber optic cable in the railroad right-of-way from milepost 0.97 and running east to the Metro Transit Authority (MTA) site, and also authorizing approval of all future Nashville & Eastern Railroad Corporation license agreements by Council Resolution.

APPLICATION REQUIREMENTS – None

DEPARTMENT AND AGENCY COMMENTS

The Metropolitan Planning Organization (MPO), and Metro Legal recommend approval of the ordinance. The ordinance will allow expenditure of federal grant funds in the amount of \$44,200, which requires a 20% local match of \$11,050, which will be paid by MTA.

Approve (7-0), Consent Agenda

Resolution No. 2003-220

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-057U-09 is **APPROVED (7-0).**”

- 17. 2003M-058U-09**
Dixieland Delights Sign Encroachment
Subarea 9 (1997)
District 19 (Wallace)

A request to install a sign, measuring 10 feet tall by 8 feet wide, to project over the public sidewalk by 9 feet and a minimum of 10 feet above the existing sidewalk for the Dixieland Delights Candy & Nut Company, requested by Dixieland Delights, for Daniel Albright, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - A request to install a sign at 325 Broadway, measuring 10 feet tall by 8 feet wide, to project over the public sidewalk by 9 feet and a minimum of 10 feet above the sidewalk for the Dixieland Delights Candy & Nut Company, requested by Dixieland Delights for Daniel Albright, owner.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes, one was submitted.

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

Property Owner Sign Application - Yes

Tenant Sign Application - No

DEPARTMENT AND AGENCY COMMENTS

Planning: Prior to receiving Council approval, the License Agreement must be revised so that the owner, and not the tenant, is the only entity indemnifying Metro Government.

Public Works: This item is recommended for approval by Metro Public Works.

Approve with conditions (7-0), Consent Agenda

Resolution No. 2003-221

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-058U-09 is **APPROVED WITH CONDITONS. (7-0).**”

Conditions of Approval:

1. Prior to receiving Council approval, the License Agreement must be revised so that the owner, and not the tenant, is the only entity indemnifying Metro Government.”

18. **2003M-059U-09**
140 N. 1st Street Property Acquisition
Map 82-14, Parcels 59 and 95
Subarea 9 (1997)
District 6 (Beehan)

A Resolution authorizing an Option to Purchase 140 North 1st Street for the Metro Water Department to construct a CSO facility to regulate water from the Washington Dee Cee Basin, as requested by the Department of Finance.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - A Resolution authorizing an option to purchase 140 N. 1st Street for the Metro Water Department to construct a Combined Sewer Overflow (CSO) facility to regulate water from the Washington Dee Cee Basin, as requested by the Department of Finance.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS - Metro Public Property Administration has recommended approval of this Option to Purchase since this property will be used by the Water Services Department to construct a water regulation facility.

Nashville Electric Service: NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.

Approve with conditions (7-0), Consent Agenda

Resolution No. 2003-222

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-059U-09 is **APPROVED WITH CONDITIONS (7-0)**.”

Conditions of Approval:

1. NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.”

19. **2003M-060U-09**
Bank of America Plaza Ground Encroachments
Map 93-02-3, Parcel 188
Subarea 9 (1997)
District 19 (Wallace)

A request to encroach into the public sidewalk with the following requests: 1) Add aggregate planters along Union Street and 5th Avenue North; 2) Add a canopy over the Union Street entrance of the Bank of America Plaza Building, extending 10 feet over the public sidewalk and measuring 15 feet above the sidewalk; and 3) Add alternate paving materials at the Bank of America Plaza entrance on Union Street and Bank of America Plaza Building entrance on Union Street, as requested by Parkway Realty Services, for Parkway Properties, L.P., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request to encroach into the public sidewalk as follows:

- 1) Add aggregate planters along Union Street and 5th Avenue North;
- 2) Add a canopy over the Union Street entrance of the Bank of America Plaza Building, extending 10 feet over the public sidewalk and measuring 15 feet above the sidewalk; and
- 3) Add alternate paving materials at the Bank of America Plaza entrance on Union Street and Bank of America Plaza Building entrance on Union Street, as requested by Parkway Realty Services for Parkway Properties, L.P., owner.

APPLICATION REQUIREMENTS

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

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

Property Owner Sign Application - Yes, signed by authorized agent of owner.

Tenant Sign Application - N/A

DEPARTMENT AND AGENCY COMMENTS

Public Works: This item is recommended for approval by Metro Public Works.

Nashville Electric Service: NES recommends approval of this item, with the following condition: Planters may not be placed within 15-feet of a transformer vault access located on the east sidewalk on 5th Ave., South, just south of Deaderick Street. NES will mark the vault access in the field, if requested.

Approve with conditions (7-0), Consent Agenda

Resolution No. 2003-223

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-060U-09 is **APPROVED WITH CONDTIONS. (7-0)**

Conditions of Approval:

1. Planters may not be placed within 15-feet of a transformer vault access located on the east sidewalk on 5th Ave., South, just south of Deaderick Street. NES will mark the vault access in the field, if requested.”

- 20. 2003M-061U-10**
 Warner Music Group Underground Encroachment
 Map 93-13, Parcels 136 and 166
 Subarea 10 (1994)
 District 19 (Wallace)

A request to trench and/or bore into the public right-of-way of Music Square East to install communications duct between the buildings located at 20 and 21 Music Square East, as requested by Warner Music Group, applicant and owner.

Staff Recommendation - Approve

APPLICANT REQUEST - A request to trench and/or bore into the public right-of-way of Music Square East to install communications duct between the buildings located at 20 & 21 Music Square East, as requested by Warner Music Group, applicant and owner.

APPLICATION REQUIREMENTS

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

Insurance Certificate - Yes – one was submitted providing general liability of \$3,000,000 for each occurrence and \$20,000,000 for aggregate coverage. Insurer of the indemnity is AOL Time Warner, parent company of Warner Music Group.

Property Owner Sign Application - Yes

Tenant Sign Application - N/A

DEPARTMENT AND AGENCY COMMENTS

Public Works: This item is recommended for approval by Metro Public Works.

Approve (7-0), Consent Agenda

Resolution No. 2003-224

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-061U-10 is **APPROVED. (7-0)**”

-
- 21. 2003M-062U-05**
St. Ann’s Episcopal Church Fence Encroachment
Map 82-15, Parcels 89 and 91
Subarea 5 (1994)
District 6 (Beehan)

A request to install a fence partially within the public right-of-way along South 4th Street and Woodland Street to prevent unauthorized access to the property as required by Metro Government, requested by St. Ann's Episcopal Church, for Metro Government and St. Ann's Episcopal Church.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - A request to install a fence partially within the public right-of-way along S.4th Street and Woodland Street to prevent unauthorized access to the property as required by Metro Government. Requested by St. Ann's Episcopal Church, for Metro Government and St. Ann's Episcopal Church.

APPLICATION REQUIREMENTS

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

Insurance Certificate - Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$5,000,000 for aggregate coverage.

Property Owner Sign Application - Yes

Tenant Sign Application - N/A

DEPARTMENT AND AGENCY COMMENTS

Public Works: This item is recommended for approval by Metro Public Works.

Nashville Electric Service: NES recommends approval of this item, provided that NES must be granted access to maintain facilities on the property.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-225

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-062U-05 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. NES recommends approval of this item, provided that NES must be granted access to maintain facilities on the property.

-
- 22. 2003M-063U-09**

Molyneux Entertainment Awning Encroachment
Map 93-10, Parcel 33
Subarea 9 (1997)
District 19 (Wallace)

A request to install an awning, measuring 3 feet by 7 feet wide with a 3-foot projection over the public sidewalk and 8 feet above the sidewalk, over the front door of Molyneux Entertainment Company along 9th Avenue South; and to install another awning, measuring 3 feet by 5'4" wide with a 3-foot projection over the rear alley and 8 feet above the alley, over the rear entrance of the property, as requested by Molyneux Entertainment Company, for Clark Avenue Partnership, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - A request to install an awning, measuring 3 feet by 7 feet wide with a 3-foot projection over the public sidewalk and 8 feet above the sidewalk over the front door of Molyneux Entertainment Company along 9th Avenue South; and to install another awning, measuring 3 feet by 5'4" wide with a 3-foot projection over the rear alley and 8 feet above the alley, over the rear entrance of the property, as requested by Molyneux Entertainment Company.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes- one was submitted.

Insurance Certificate - Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$1,000,000 for aggregate coverage.

Property Owner Sign Application - No

Tenant Sign Application - Yes

DEPARTMENT AND AGENCY COMMENTS

Planning: Prior to receiving Council approval, the License Agreement must be revised so that the tenant is the only entity indemnifying Metro Government. As submitted, the indemnity is split between the owner and the tenant. The tenant agreed to be the indemnifying party.

Public Works: This item is recommended for approval by Metro Public Works.

Nashville Electric Service: NES recommends approval of this item, provided that electrical clearances are maintained around the electrical service weatherhead located at the rear door.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-226

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-063U-09 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. Prior to receiving Council approval, the License Agreement must be revised so that the tenant is the only entity indemnifying Metro Government. As submitted, the indemnity is split between the owner and the tenant. The tenant agreed to be the indemnifying party.
2. NES recommends approval of this item, provided that electrical clearances are maintained around the electrical service weatherhead located at the rear door.”

-
- 23. 2003M-064U-09**
Close Alley #314 between Cowan Street and Oldham Street
Map 82-14, Various Parcels

Subarea 9 (1997)
District 5 (Hall)

A request to close Alley #314 (unimproved) running between Cowan Street and Oldham Street, as requested by Robert Gary Lindsey, for Turner H. and Clara Jo Todd, Dacco Inc., The Thelma R. Frazier Family Partnership, and Virah Corporation, other abutting property owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST- A request to close Alley #314 (unimproved) running between Cowan Street and Oldham Street, as requested by Robert Gary Lindsey, for Turner H. & Clara Jo Todd, Dacco Inc., The Thelma R. Frazier Family Partnership, and Virah Corporation, other abutting property owners.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners' sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

Public Works: This item is recommended for approval by Metro Public Works.

Nashville Electric Service: NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –227

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-064U-09 is **APPROVED WITH CONDITONS. (7-0)**”

Conditions of Approval:

1. NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.”

-
- 24. 2003M-065U-07**
Close 50th Avenue North between Tennessee Avenue
and Kentucky Avenue
Map 91-07, Various Parcels
Subarea 7 (2000)
District 21 (Whitmore)

A request to close a portion of 50th Avenue North between Tennessee Avenue and Kentucky Avenue, approximately 322 feet in length, as requested by Donna Pollock, for the Alice W. Jew Foundation, Marie Elkins, and John A. Davis, other abutting property owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request to close a portion of 50th Avenue North between Tennessee Avenue and Kentucky Avenue, approximately 322 feet in length, as requested by Donna Pollock, for the Alice W. Jew Foundation, Marie Elkins, and John A. Davis, other abutting property owners.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners' sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

Public Works: This item is recommended for approval by Metro Public Works.

Nashville Electric Service: NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003-228

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-065U-07 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment.

Mr. McLean moved and Mr. Small seconded the motion, which unanimously passed, to change the meeting date for continuing the public hearing on Zone Change Proposal 2001Z-060U-14 and PUD Proposal 2003P-007U-14 (Cumberland Yacht Harbor), and PUD Proposal 36-76-G-14 from the July 10, 2003, meeting to the June 26, 2003 meeting.

Chairman Lawson requested that staff set a visioning session for June 26, 2003, prior to the regularly scheduled Commission meeting on that date. Mr. Bernhardt said that a meeting would be scheduled for 3:00.

XII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:10 pm.

Chairman

Secretary

