



**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 24, 2004

PLANNING COMMISSION:

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

Staff Present:

Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Margaret Holleman, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II

Commission Members Absent:

Jim Lawson, Chairman
Tonya Jones
Ann Nielson

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the agenda as presented. (7-0)

III. APPROVAL OF JUNE 10, 2004 MINUTES

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously, to approve the June 10, 2004 minutes. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Dread spoke in favor of Item #9 – 2004Z-015T. He indicated that this text change would provide relief to those who are currently required to build sidewalks that lead to nowhere or are considered dangerous if constructed due to busy streets, topography of the land, etc. He mentioned that the bill is a “work in progress” and is willing to amend it as necessary.

Councilmember Isabel spoke in favor of Item #12 – 2004Z-048U-03.

Councilmember Shulman mentioned Item #2 – 2004S-163U-10 Woodmont Village and stated that the developer continues to work with the community to resolve any issues associated with the project. He stated that Item #4 – 2004S-161U-10 will be deferred to the July 8 and spoke in favor of Item #13 2004Z-062U-10.

Council Lady Baldwin-Tucker announced she was representing Councilmember Hughes of District 3 while he recovers. She stated that Item #18 – 2004Z-076G-03 was deferred until July 22, 2004. Items #33-94P-020G-03, #28-2003S-135G-02, and #29- 2003S-170G-02 were on the Consent Agenda. She stated that she would be holding communities meetings regarding these proposals to make the neighbors aware of the proposed development within this district.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

3. 2004S-092A-07 West Meade Farms, Brook Hollow Road – deferred indefinitely at the request of the applicant
4. 2004S-161U-10 Glen Echo, Resubdivision of Lot 12, Hillmont Drive – deferred to July 8, 2004 at the request of the applicant
5. 2004Z-009T Limiting housing development in floodplains and floodways - deferred to August 26, 2004 at the request of the councilmember
18. 2004Z-076G-03 RS20 to RS10, 3512 Knight Drive, opposite Brick Church Lane – deferred to July 24, 2004 at the request of the applicant
22. 2004Z-083G-06 R20 to C1 at 548 Old Hickory Blvd. on west side of Tolbert Road – deferred indefinitely at the request of the applicant.
25. 2003S-238G-12 Highland Creek, Section 6, Nolensville Pike – deferred to July 8, 2004 at the request of the applicant

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items as presented. (7-0)

VI. PUBLIC HEARING: CONSENT AGENDA

VII. Public Hearing for Fee Changes Relating to Subdivisions and Other Fees-Approve

ZONING MAP AMENDMENTS

8. 2004Z-014T Public Facilities - Approve
11. 2002Z-085G-12 AR2a to RS15, 5961 & 5975 Mt. Pisgah Rd -Approve
12. 2004Z-048U-03 CL to MUL at 230 West Trinity Lane, West of I-65
13. 2004Z-062U-10 Historic Landmark Overlay, West End Middle School -Approve
14. 2004Z-071U-09 Historic Landmark Overlay, Hume Fogg Magnet School -Approve
15. 2004Z-072U-08 Historic Landmark Overlay, Martin Luther King, Jr. Magnet School - Approve
16. 2004Z-073U-05 Historic Landmark Overlay, East Literature Magnet School - Approve
19. 2004Z-079G-04 R10 to CS, 122, 126, 132 Liberty Ln. - Approve
20. 2004Z-081U-08 IR to MUG, 600 21st Avenue North - Approve
21. 2004Z-082U-14 OR20 to MUL, 3051 Lebanon Pk. -Approve
23. 2004Z-086G-04 R10 to RS10, Liberty Lane (unnumbered) -Approve
24. 2004Z-088G-12 AR2a to RS10, 1160 Barnes Rd. -Approve

PRELIMINARY SUBDIVISION PLATS

27. 2004S-193U-14 Price Subdivision -Approve, including a sidewalk variance

FINAL PLATS

28. 2003S-135G-02 W.E. Scott Subdivision, Phase II – Approve, including a waiver for lot comparability
29. 2003S-170G-02 Dawn Brook Subdivision - Approve with conditions
30. 2004S-178G-04 Madison Heights, Section 3, Resub. of Lot 4 - Approve, including a waiver for lot comparability

PLANNED UNIT DEVELOPMENTS (revisions)

31. 53-84-U-12 Hickory Heights, Phase 2 - Approve with conditions
32. 91P-010U-10 Tennyson Business Machines Commercial PUD - Approve
33. 94P-020G-03 FEDEX Package Distribution Commercial PUD - Approve with conditions

34. 98P-007U-12 Seven Springs (St. Martin Square) - Approve with conditions

MANDATORY REFERRALS

35. 2004M-046U-13 Stormwater drainage, 734 Wildwood & 906 Drummond Dr. - Approve

36. 2004M-047U-10 Stormwater drainage, 3932 Cross Creek Rd. - Approve

37. 2004M-048U-02 Stormwater drainage, 3188 Robwood Dr. - Approve

38. 2004M-049G-04 Stormwater drainage, 311 Heritage Court - Approve

39. 2004M-051G-06 Stormwater drainage, 925 Morton Mill Rd. - Approve

40. 2004M-052G-10 Public Utility Drainage Easement, Sherwood Dr. (unnumbered) - Approve

41. 2004M-054U-13 Aerial encroachment/Clopapy Plastics, Inc.- Approve

42. 2004M-055U-11 Alley closure/Hart Street and 1st Avenue -Approve with conditions

OTHER BUSINESS

43. Extension to the contract for Goodlettsville Downtown Business District Streetscape Plan with Lose & Associates - Approve

44. Contract for the Calibration and Validation of the Nashville Area Regional Travel Demand Model with PBS&J - Approve

45. Contract for the temporary Professional Planning Services of Cheryl Hunter-Grah - Approve

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. (7-0)

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

PRELIMINARY SUBDIVISION PLATS

1. **2004S-162U-10**
Hobbs Place
Map 131-01, Parcel 11
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval to subdivide one existing lot into two lots, located on the north margin of Hobbs Road, approximately 270 feet east of Vailwood Drive (.91 acres), classified R20, requested by Thomas and Lesley Neighbors, owners, Gresham-Smith and Partners, engineer. (Deferred from meeting of June 10, 2004).

Staff Recommendation - *Approve with conditions*, including a variance to the 4:1 Rule

APPLICANT REQUEST

Preliminary Plat - This request is to subdivide 0.91 acres on one existing lot into two duplex lots (four total units), at 3300 Hobbs Road, along the north side of Hobbs Road. The lots will be served by a private joint access easement, not a public road.

ZONING

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. However, since this parcel was created before August 1, 1984, the Zoning Regulations allow each new lot to have a duplex for any subdivision up to three lots.

SUBDIVISION DETAILS - This plat proposes two lots of 20,098 s.f. and 20,470 s.f., with frontages of 79 feet and 24 feet. The comparability standards require the lots to be no less than 38,387 s.f., with a minimum frontage of 129 feet.

Although the two proposed lots fail lot comparability for lot frontage and lot size, the applicant has requested a waiver under Section 2-4.7 A1 of the Subdivision Regulations. This section of the regulations allows the Planning Commission to grant a waiver to the lot comparability standards when a subdivision is within a one-half mile radius (2,640 feet) of a Regional Activity Center (RAC) policy. This subdivision is approximately 2,400 feet from the

Green Hills Mall RAC policy. Staff supports the lot comparability waiver since this layout is consistent with the pattern of development along the north side of Hobbs Road.

Variance 4:1 Rule - Section 2-4.2E of the Subdivision Regulations requires the lot width at the frontage of the lot to be not less than 25% of the average lot depth. The applicant has requested a variance to this rule stating: “The existing lot has a long and narrow configuration that barely satisfies the 4:1 standard in its current condition.”

Sidewalks - Although sidewalks are not required for properties zoned R20 or larger, there is an existing sidewalk along the frontage of Hobbs Road. The applicant is also providing a 5 foot sidewalk along the joint access easement leading back to the two lots.

TRAFFIC ENGINEER’S FINDINGS - No exception taken.

CONDITIONS

Staff recommends conditional approval of this preliminary plat, subject to the following conditions:

1. Buildings must be located so as to avoid the existing 20 foot wide sewer easement at the back of the lot.
2. All common parking areas must be located as shown on the preliminary plat. No common parking spaces are to be located directly facing Hobbs Road.
3. The front-façade of the unit along Hobbs Road shall face Hobbs Road.

Mr. Leeman presented and stated that staff is recommending approval with conditions – including a variance to the 4:1 rule.

Ms. Susie Higginbotham, spoke in opposition to the proposal.

Mr. John Link, 3308 Hobbs Road, spoke in opposition to the proposal.

Mr. Stokely Donelson, 3304 Hobbs Road, spoke in opposition to the proposal.

Mr. Ed Owens, Gresham-Smith & Partners, spoke in favor of the proposal. He indicated that the drainage issues will be addressed.

Mr. Tyler expressed concerns regarding the design layout and the proposal overall.

Mr. Ponder commented on the stormwater drainage issue and stated he was in favor of the proposal due to the fact that the issues can be addressed before final approval.

Ms. Cummings expressed concerns regarding the drainage issues and stated she was confident that Public Works will work with the developers in order to resolve the issues.

Mr. McLean expressed concerns regarding the stormwater drainage and stated he is in favor due to the fact that these issues will be addressed before final.

Mr. Clifton expressed concerns regarding the issue of drainage and supporting the development at this preliminary hearing and the assurance this issue will be addressed before final approval.

Mr. McLean moved and Ms. Cummings seconded the motion to approve staff recommendations of preliminary plat 2004S-162U-10 including the condition that the applicant must receive final plat approval from the Commission before a grading permit can be issued. (6-1) No Vote – Tyler

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-162U-10 is APPROVED WITH CONDITIONS, including a variance to the 4:1 rule, and that final plat approval must be received prior to grading permit issuance and that the final plat be heard by the MPC. (6-1)

Conditions of Approval:

1. Buildings must be located so as to avoid the existing 20 foot wide sewer easement at the back of the lot.
2. All common parking areas must be located as shown on the preliminary plat. No common parking spaces are to be located directly facing Hobbs Road.
3. The front-façade of the unit along Hobbs Road shall face Hobbs Road.

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

A request for preliminary plat approval to subdivide one existing lot into two lots, located on the southeast corner of Woodmont Boulevard and Granny White Pike (0.95 acres), classified R10, requested by John Cobb, owner, Gresham-Smith and Partners, engineer. (Deferred from meeting of June 10, 2004).

The Metropolitan Planning Commission DEFERRED Preliminary Plat 2004S-163U-10 to the July 8, 2004 meeting.

FINAL PLATS

3. **2004S-092A-07**
West Meade Farms
Map 129-03, Parcel 38
Subarea 7 (2000)
District 23 (Whitson)

A request for final plat approval to amend the front setback from 225 feet to 180 feet abutting the west side of Brook Hollow Road (1.84 acres), classified within RS80 district, requested by Brad Bolton, applicant. (Deferred from meeting of June 10, 2004).

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-092A-07 indefinitely. (7-0)

4. **2004S-161U-10**
Glen Echo, Resubdivision of Lot 12
Map 117-15, Parcel 11
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide one lot into two lots abutting the northwest margin of Hillmont Drive, approximately 125 feet northeast of Glen Echo Road (.89 acres), classified R10, requested by Eugene Collins, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. (Deferred from meeting of June 10, 2004).

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-161U-10 to the July 8, 2004 meeting. (7-0)

VIII. PUBLIC HEARING:

ZONING MAP AMENDMENTS

5. **2004Z-009T**
Council Bill No. BL2004-237

A request to change the text of the Zoning Ordinance (Section 17.28.040) limiting housing development in floodplains and floodways, requested by Councilmember Feller Brown and Councilmember Harold White.

The Metropolitan Planning Commission DEFERRED Text Amendment 2004Z-009T to the August 26, 2004 meeting. (7-0)

6. **2004Z-012T**
Cancel UZO from 5th Council District
Council Bill No. BL2004-243
Maps 71, 72, 82 and 83, Various Parcels
Subarea 5 (1994)
District 5 (Murray)

A council bill to cancel the Urban Zoning Overlay district from all of the 5th Council District, requested by Councilmember Pam Murray.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Cancel the Urban Zoning Overlay (UZO) from all of the 5th Council District (1,851 acres). The 5th Council District is generally located between the Cumberland River on the southwest side and Gallatin Pike on the northeast side, including all properties between I-65 and Gallatin Pike.

Zoning

Urban Zoning Overlay - The UZO is a zoning classification that permits different standards than the conventional zoning districts, relating to parking, landscaping, setbacks, and certain building sizes.

The purpose of the UZO is to protect existing development patterns that predate the mid 1950's and ensure the compatibility of new development in the older parts of the city. Generally, the UZO covers the old City of Nashville city limits. Without the UZO there could be 1950's buildings that will be non-conforming in some areas with the current Zoning Ordinance requirements. These buildings may be non-compliant in setback, height, or parking requirements. Without the UZO, variance from the Board of Zoning Appeals may be required to restore damaged or destroyed buildings that are non-conforming.

The UZO became effective in December 2000 and was most recently amended by BL2004-221, which was adopted on final reading by the Council on June 15, 2004. It includes 4,925 parcels in Council District 5, comprising a total of 1,850 acres. If the UZO is cancelled on the proposed parcels, the existing base zoning, or PUD overlay, will govern what can be done with each property.

Why was the UZO created? - The UZO district was created to improve the way development in the older urban areas of Nashville is regulated. Most of the development in the UZO area was built before World War II. Prior to the adoption of the UZO, the Zoning Code was designed for a newer, suburban environment with a different "development pattern." For example, in the UZO area, commercial buildings are often built right up to the edge of the sidewalk. In the suburbs, they are further back from the street. Lots in the UZO area are generally smaller than they are in the suburbs, and buildings are usually closer together. Many neighborhoods in the UZO area have alleys, with garages behind houses instead of attached to them. The zoning for the UZO area does not always fit this development pattern. This mismatch caused problems for property owners prior to the adoption of the UZO. For example, when the 1998, tornado damaged older parts of the city, many property owners had to get special permission to replace buildings in the same places they had always been.

UZO Activity in 5th Council District

From the inception of the UZO in December 2000, through April 19, 2004, the following activity has occurred in the UZO in Council District 5:

- 37 permits approved and issued
- 2 variances requested
- 1 variance request denied
- 1 variance request withdrawn

Staff recommends disapproval of this Council bill because the UZO serves to allow the older parts of the city to develop in a consistent manner with the past, ensuring that the character of the neighborhoods is maintained.

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

Ms. Laura Baxter, 108 Old Trinity Lane, spoke in opposition to this text amendment.

Mr. Loring stated he was in support of the text amendment due to the issues raised by Councilmember Murray regarding her district and the stymied growth pattern.

Mr. McLean expressed concerns over the removal of the overlay and spoke in support of staff recommendation.

Mr. Stewart spoke in support of the urban zoning overlay and stated that this tool serves the neighborhoods well.

Ms. Cumming stated she supported staff's recommendation to disapprove.

Mr. Tyler spoke in favor of staff recommendation to disapprove.

Mr. Ponder spoke in favor of staff recommendation due to the fact that the urban zoning overlay improves neighborhoods.

Mr. Ponder moved and Ms. Cummings seconded the motion, to disapprove Zone Change 2004Z-012T. **(6-1)** No Vote - Loring

Resolution No. 2004 –197

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-012T is **DISAPPROVED. (6-1)**”

7. 2004Z-013T
Council Bill No. BL2004-290

A request to amend Section 17.12.020B of the Zoning Ordinance relating to Floor Area Ratio's (FARs), requested by Councilmember Ginger Hausser.

Staff Recommendation - *Approve.*

APPLICANT REQUEST - Amend Zoning Code to permit all multi-family developments in any zoning district to have no maximum floor area ratio (FAR) apply.

ANALYSIS

Existing Law - The “Floor Area Ratio” (FAR) determines the amount of floor space a building is permitted to have in relation to the size of the lot on which it is located. Currently, the bulk standards of the Zoning Code do not limit the FAR for multi-family developments in office, commercial, mixed-use, or high density RM districts such as RM15, RM20, RM40, and RM60. A specific note, Note 2, was added to Table 17.12.020.B in May 2001 (2000Z-033T; BL2000-560). Staff recommended that modification in response to a PUD plan where the density was

appropriate, but the FAR prevented a developer from achieving the maximum multi-family density permitted by the base zoning. At that time, only the higher density RM districts were exempted from the FAR standard.

Proposed Text Change - This bill extends that FAR exemption to multi-family developments located in any zoning district. It does so by modifying Note 2 to Table 17.12.020.B to read: “No maximum FAR applies to multifamily developments.” In addition, this exemption would apply retroactively to any previously approved PUD plan or building permit issued, where the FAR constrained a multi-family development.

Staff Recommendation - Approve. The typical concern with multi-family as with any multi-story development, including large single-family homes, is not the size of the unit or dwelling, but the structure’s building mass in relationship to adjoining properties. Since the other bulk standards in the Zoning Code will continue to regulate a structure’s mass (e.g. setbacks, impervious surface ratio (ISR), maximum building height, and number of units per acre), removing the FAR limitation is appropriate.

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

Mr. Tom Grooms, 2605 Barton Avenue, Hillsboro West End Neighborhood Association, spoke in opposition to the proposed text amendment.

Mr. Skip Hindman, 2414 Barton Avenue, spoke in opposition to the proposed text amendment.

Mr. Gary Shockley 2414 Fairfax Lane, spoke in opposition to the proposed text amendment.

Ms. Jan Bushing, 2804 Natchez Trace, spoke in opposition to the proposed text amendment.

Mr. Shawn Henry, attorney, spoke in favor of the text amendment.

Mr. Clifton expressed concerns regarding this proposed text change amendment and its affect on the City as a whole. He suggested this item be re-referred back to the Commission at the Council Public Hearing in order to refine the amendment.

Ms. Cummings spoke in opposition to approving this text amendment as presented and stated she would like to have it re-referred to the Commission after the Council Public Hearing in order to have more time to study the issue.

Mr. Tyler requested additional clarification on the complexity of the amendment.

Mr. Ponder requested additional clarification regarding issues associated with this text amendment. He then stated he could not support this bill until additional information was provided to assist his decision for support.

Mr. Small expressed concerns regarding the rezoning.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2004Z-013T, and recommend that the item be re-referred to the Commission after the Metro Council public hearing. **(7-0)**

Resolution No. 2004 –198

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-013T is **DISAPPROVED** and recommend that the item be re-referred to the MPC after Metro Council public hearing. **(7-0)”**

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:45 p.m.

Ms. Cummings left the meeting at 5:30 p.m.

**8. 2004Z-014T
Public Facilities Text Amendment
Council Bill No. BL2004-288**

A council bill to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, relative to adding a new land use “Public Facility”, sponsored by Councilmember Brenda Gilmore, Councilmember Edward Whitmore, Councilmember J. B. Loring, and Councilmember Carolyn Baldwin Tucker.

Staff Recommendation - Approve.

APPLICANT REQUEST -Amend Zoning Code to create and define a new land use, “Public Facility.” This new land use would permit Metro Government to convert and reuse buildings and structures in residential areas for other purposes.

ANALYSIS

Existing Law-Currently, Metro agencies find it increasingly difficult to reuse existing Metro buildings and structures for other purposes. Two situations initiated this text amendment change. The first was Metro Schools’ need to reuse former school campuses for educational training, tutoring, counseling, and offices. School officials were hamstrung in readily reusing these facilities by being required to seek approval of a special exception from the Board of Zoning Appeals (BZA). The second situation was the Metro Historical Commission’s relocation to the historic Sunnyside mansion in Sevier Park. As residential zoning districts prohibit office uses, the commission cannot obtain a permanent use and occupancy permit for this creative reuse of this magnificent Davidson County historical landmark.

Proposed Text Change - This bill would permit Metro Government to convert these existing buildings and structures to other purposes without BZA approval, provided the proposed uses were equal to, or less intense, than previously existed on the property. Further, no expansion of the existing buildings, structures, or areas could be proposed. And lastly, no outdoor storage is permitted. In the event Metro Government wants to do a more intense use, make an addition, enlarge an area, etc., then it would be required to apply for a special exception (SE) for BZA approval. Below is the proposed text amendment language.

By amending Section 17.04.060 (Definitions of General Terms) to add “Public Facility” in alphabetical order as follows:

“Public Facility” means an existing facility or structure owned by the Metropolitan Nashville and Davidson County Government in which the metropolitan government administers and provides facilities, activities, services, or support for the benefit of neighborhoods, residents, businesses, and the larger community in which they are located including, but not limited to, administrative offices, counseling, supplemental education and instruction, health care, indoor storage of non-flammable items, and training.

By amending Section 17.08.030 (District land use tables: Institutional Uses) by adding “Public Facility” as follows:

	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	M H P	M U N	M U L	M U G	M U I	O N	O L	O G	OR 20 and OR 40	O R I	C N	C L	C S A	C F C	C C N	S C C	S C R	S W D	I P	I P	I G
Institutional Uses:																										
Public Facility	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	P	P	PC ¹	PC ¹	P	PC ¹	P	PC ¹	P	P	P	P	P	P	P	P	P	P

By amending Section 17.08.030 (District land use tables: Institutional Uses) by adding as a footnote to the bottom of the table “Note 1” for “Public Facility” as follows:

Note 1: Any proposed addition or expansion shall be reviewed as a special exception (SE) as per Section 17.16.035.D.3.

By amending Section 17.16.035 (Uses Permitted With Conditions: Institutional Uses) by adding “Public Facility” as follows:

D. Public Facility

1. Location. The use of an existing facility or structure owned by the Metropolitan Nashville and Davidson County Government is permitted provided there is no adverse effect on the surrounding neighborhood due to noise, light, glare, operating hours, parking, traffic, trash, removal of trees and landscaping, refuse removal, location of vehicles and storage, or dust, as determined by the Zoning Administrator.

2. Intensity of Use. The Zoning Administrator shall make a determination based on information contained in the application, or any supplemental information requested after review of the application, on whether the proposed use is a more intensive use than any previously existing on the property. Should it be determined the proposed use is more intensive, then the application shall be reviewed by the Board of Zoning Appeals as a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this Title.

3. Addition or Expansion. Any proposed addition or expansion of the existing buildings, structures, facilities, or area, regardless of whether the use is more intensive than any previously existing on the property, shall be reviewed by the Board of Zoning Appeals as a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this Title.

By amending Section 17.16.140 (Uses Permitted by Special Exception (SE): Applicability) by adding the following sentence to the end of the paragraph:

A public facility use which proposes an addition or expansion as per Section 17.16.035.D.3 may expand under the authority of the board subject to demonstrating compliance with Sections 17.16.035.D.1 and 17.16.150.

Staff Recommendation - Approve. The proposed council bill serves a public policy goal of efficiently using tax dollars by reusing government property. Neighborhoods are protected since any more intense uses of the property would require a Special Exception to be approved by the BZA. All Special Exception uses require a BZA public hearing, and therefore, public notices would be mailed to surrounding property owners and neighborhood groups, a notice would be placed in the newspaper, and signs would be posted on the property.

Planning staff has coordinated the review of this bill with Metro Schools, Parks, Historical Commission, Codes, and the Neighborhood Resource Center, and Neighborhood Alliance. All support this bill as drafted.

Approved as amended by Real Property with minor expansions and other housekeeping changes (7-0), *Consent Agenda*

Resolution No. 2004 –199

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-014T is **APPROVED AS AMENDED to allow minor expansions and other housekeeping changes. (7-0)**”

9. **2004Z-015T**
Council Bill No. BL2004-289

A request to change the text of the Zoning Ordinance (Section 17.20.120) relative to the Provision of Sidewalks, requested by Councilmember Adam Dread.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Amend Zoning Code to reduce the situations in which sidewalks are required to be constructed when property is redeveloped.

APPLICATION DETAILS - This bill states that the Council “finds it necessary and in the public interest to establish reasonable criteria for the most cost-effective provision of sidewalks within the public right-of-way in the areas of greatest need in Nashville and Davidson County.” The bill proposes to change several provisions in the Code that currently require a developer of property to install sidewalks for most developments on arterial or collector roadways. If adopted, this bill would result in a significant disparity between the requirements for sidewalks contained in the Zoning Code and the Metro Subdivision Regulations, which cannot be amended by the Council.

Current Code - The Metro Code currently requires the developer of a multifamily or nonresidential project to install sidewalks along any collector or arterial street that fronts the property. Sidewalks also must be installed on other streets fronting the property if a sidewalk already exists on adjacent property or within the same block of the street. If sidewalks already exist, then the developer must ensure that those sidewalks are brought into compliance with Metro’s sidewalk standards, which comply with the Federal standards under the Americans with Disabilities Act (ADA).

Sidewalks are not required if the value of the project is less than 25% of the value of the overall property, or if the value of multiple projects over a 5-year period is less than 50% of the value of the property. The Board of Zoning Appeals also can grant a property owner a variance from the sidewalk provisions if the state law requirements for a variance are met.

Analysis of Proposed Code Changes

1. Two new exemptions are proposed. First, sidewalks would not be required if the square footage of any one expansion does not exceed 25%, or the total square footage of all expansions over a 5-year period does not exceed 50% of the pre-existing total building square footage. **This change would not appear to have a significant effect on sidewalk requirements.**

The second proposed exemption would relieve a developer of the ordinary sidewalk requirements if the project is located outside the Urban Services District and the area within one mile of the property is developed at an average density of less than or equal to three dwelling units per acre. **The need for sidewalks cannot adequately be determined simply by reference to the existing average residential density in the area. Sidewalks are appropriate for a commercial development that is adjacent to a low-density residential neighborhood in order to provide the residents of the area with pedestrian access to the commercial development. Further, some areas that currently have lower density residential development may be in a process of changing to higher concentrations of residential or commercial development. The Green Hills area, for example, at one time would have qualified for this proposed exemption from the sidewalk requirements. This proposed exemption may result in an increased cost to taxpayers as areas are later retrofitted with sidewalks to accommodate the impact of the new development that was, itself, exempted from the sidewalk requirements.**

2. The bill would delete the current provisions of the Code that describe the locations in which sidewalks must be constructed and replace it with a new set of criteria. First, the bill sets out a requirement governing the recording of final plats after an exemption to the sidewalk requirements has been granted by the Zoning Administrator, the Board of Zoning Appeals, or the Planning Commission. The bill further requires that the Commission must release any performance bond and security. **This portion of the bill violates Tennessee law. Under Tennessee law, the authority to approve subdivisions, including the bonding of public infrastructure related to those subdivisions, rests solely with the Planning Commission. The Metro Council does not have the authority to change the requirements for recording plats or the release of bonds.**
3. The bill sets out four new “exceptions” that the Zoning Administrator “shall grant” if certain physical conditions are found to exist. An applicant would be permitted to appeal any refusal to grant these

exemptions to the Board of Zoning Appeals. These exceptions are similar to provisions currently included in the Subdivision Regulations, except with two major distinctions. First, the Subdivision Regulation exceptions are discretionary in nature. The Regulations state that the Commission "may" grant relief pursuant to the "in lieu" fee provisions if the conditions described by the exceptions are found to exist. The proposed bill mandates that the Zoning Administrator must grant an exception if the stated conditions are found to exist. Second, the Subdivision Regulation exceptions are tied directly to the in lieu fee provisions in the regulations, which cannot be put into effect because no financial mechanism has been adopted to implement them.

- a. Drainage ditches – When a drainage ditch is present along the existing street and installation of a sidewalk would require the installation of stormwater facilities to accommodate the new sidewalk. **Drainage ditches exist along a very high percentage of the existing streets in Metro that do not currently have sidewalks. The majority of new sidewalk installations require the installation of stormwater facilities. Staff estimates that this provision in the bill would, on its own, result in almost no sidewalks being required with multifamily and nonresidential development in the future.**
 - b. Cross-slopes – When the sidewalk and landscape strip cross-section areas are located on land with a cross-slope greater than 9%, and Public Works certifies that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable. **The developer of a project is required to grade the areas reserved for the sidewalk and landscape strip at the same time as new streets, or required expansions to existing streets are graded. It is unclear whether the intent of this provision is for Public Works to determine the constructability based on the conditions prior to the development or after all appropriate grading has been constructed.**
 - c. Developed with sidewalks on one side – When the surrounding area within a 0.25 mile radius is predominantly developed with sidewalks on the opposing side of the street, and no sidewalks exist on the applicant's side of the street within 0.25 miles. **This proposal may have merit in a limited number of circumstances. In most situations, however, sidewalks must be located on both sides of a street for adequate pedestrian access.**
 - d. When sidewalk installation would be non-contiguous and not from intersection to intersection – **Under this portion of the bill, any development that does not extend for an entire block of the street would not be required to install sidewalks, unless existing sidewalks would fill the span from intersection to intersection. The majority of developments are not "from intersection to intersection," so this provision also would result in almost no sidewalks being required with multifamily and nonresidential development in the future.**
4. The bill proposes an "in lieu fee" system for projects located where sidewalk construction "is currently programmed by the metropolitan government within an adopted capital improvements budget." **Projects included in the Capital Improvements Budget may not be completed for many years, if ever. This proposal restates an existing section in the Code, but adds provisions for calculating the amount of the in lieu fee. The calculations proposed, however, may not adequately address all of the costs associated with installing sidewalks in many locations within Davidson County. For example, the bill states that the cost of stormwater facilities necessitated by the sidewalks would not be included in the fee.**
 5. Finally, the bill adds a new section to the Metro Code that would attempt to alter the Metropolitan Subdivision Regulations by stating that "[s]idewalks shall not be required on cul-de-sac or dead-end turnaround streets of standard length. **This portion of the bill violates Tennessee law. Under Tennessee law, the authority to approve subdivisions, including the requirements for infrastructure within those subdivisions, rests solely with the Planning Commission. The Metro Council does not have the authority to change the sidewalk requirements contained in the Subdivision Regulations.**

Staff Recommendation - The Planning Department recognizes that there is a need to further refine the sidewalk requirements contained in both the Zoning Code and the Subdivision Regulations. For the reasons set out above, staff recommends disapproval of BL2004-289. At the request of the Planning Commission, however, staff has

begun to evaluate the current regulations and Code provisions addressing sidewalks. Staff would welcome the opportunity to incorporate the concerns this bill is intended to address in its evaluation and to work with all of Metro's development stakeholders on a proposal to refine the sidewalk requirements in both the Zoning Code and the Subdivision Regulations.

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

A resident from 3282 Ezell Pike, spoke in support of the proposed text amendment due to technical issues associated with his development.

Mr. Tom Hopton, Center for Independent Living, spoke in opposition to the proposed text amendment.

Mr. Eddie Pollock, 300 Hillwood Blvd., of Nashville Christian Schools, spoke in favor of the text amendment.

Mr. Glenn Water, 6821 Pennywell Drive, spoke in opposition to the proposed text amendment.

Ms. Laurel Creech, 110 Sylvan Glen Court, Cumberland Region Tomorrow, Community Health & Wellness Team, spoke in opposition to the proposed text amendment.

Mr. Tom Grooms, West End Neighborhood Association, spoke in opposition to the proposed text amendment.

Mr. Ponder spoke in opposition to the proposed text amendment and stated that the Commission has been working with staff regarding issues related to sidewalks.

Mr. Clifton expressed concerns regarding restricting sidewalk requirements in the Community. He mentioned that the current requirements are in need of fine tuning.

Mr. McLean spoke strongly for the need of sidewalks being placed in new subdivisions. He requested clarification regarding the time frame associated with the Council bill and the options available to the Commission to move on this proposed amendment.

Mr. Loring expressed his reluctance to disapprove this text amendment. He stated that there are many areas in the Community that have unnecessary sidewalks, or have sidewalks that are not maintained. He stated he was in favor of supporting the bill in an attempt to begin the process of revising the regulations.

Mr. Small spoke in opposition to the proposed text amendment and suggested that the Commission work in conjunction with Councilmember Dread to make the necessary amendments to the bill before it is approved.

Mr. McLean moved, and Mr. Ponder seconded the motion, to disapprove Zone Change 2004Z-015T and request that it be re-referred to the Commission after the Council Public Hearing **(5-1)** No Vote – Loring

Resolution No. 2004 –200

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-015T is **DISAPPROVED and recommend that item be re-referred to the MPC after Metro Council public hearing. (5-1)”**

10. 2004Z-016T

A request to amend the text of the Zoning Ordinance relating to Section 17.40.470 (Tree Removal permit procedures) to require persons engaged in commercial tree service to obtain a tree removal permit and to require applicants for a tree removal permit to submit a plan for disposal, requested by Councilmember Wallace.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend Zoning Code to require persons engaged in commercial tree service to obtain a tree removal permit and to require applicants for a tree removal permit to submit a plan for disposal.

APPLICATION DETAILS - This Council bill is a companion to another bill introduced by Councilmember Wallace that also addresses permitting requirements for tree removal. The other bill – which has not been referred to the Planning Commission for a recommendation – amends the Urban Forrester section of the Metro Code (Chapter 2.104) to require a permit for removal of all trees, including those on private property. Currently, the Metro Code only requires a permit for removal of “public trees” and for the protection of public utility distribution lines.

BL2004-244 changes two minor provisions in Section 17.40.470 of the Code. First, the bill adds language that extends the tree permit requirements to commercial tree services. If Councilmember Wallace’s companion bill is adopted, then commercial tree services would be required to obtain a tree removal permit before performing any tree trimming or removal. Section 17.40.470 currently applies to “any person” seeking a tree removal permit. This section of the bill does not appear to change the law, but may be intended to clarify that commercial tree services are included within the definition of “any person.”

The bill also adds a provision to Section 17.40.470 that requires each application for a tree removal permit to include a plan for disposal of the tree.

Staff Recommendation - Staff recommends approval of this text change because the requirement for a plan for disposal of trees removed from property should help prevent such materials from being left in the public right-of-way and added to the workload for the Metro chipper service, and because the language adding reference to commercial tree services does not appear to have any significant effect.

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

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously, to approve Zone Change 2004Z-016T. **(6-0)**

Resolution No. 2004 –201

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-016T is **APPROVED. (7-0)**”

- 11.** **2002Z-085G-12**
Council Bill No. BL2004-286
Map 172, Parcels 42 and 43
Subarea 12 (1997)
District 31 (Toler)

A request to change from AR2a to RS15 district property at 5961 and 5975 Mt. Pisgah Road, abutting the southern terminus of Christiansted Lane, (10.3 acres), requested by Patricia Shakoor, applicant/owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 10.3 acres from agricultural/residential (AR2a) to residential single-family (RS15) district properties at 5961 and 5975 Mt. Pisgah Road, opposite the terminus of Christiansted Lane along the south side of Mt. Pisgah Road.

Proposed Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the General Plan. Under the existing AR2a district, 5 lots would be permitted.

Existing Zoning

RS15 district - RS15 district requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. With the proposed RS15 district, a maximum of 25 single-family lots would be permitted.

SUBAREA 12 PLAN

Residential Low Medium - 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 - No. The proposed RS15 district is consistent with the Subarea 12 Plan’s RLM policy calling for residential development at two to four dwelling units per acre.

RECENT REZONINGS - The Planning Commission previously considered this rezoning request on August 22, 2002, recommending “Approval with Conditions”. However, the council bill was never filed for this item. The conditions stated: “If a council bill is filed, it should include the following conditions to be completed or bonded prior to any final subdivision plat recordation: Widen Mt. Pisgah Road to bring it into compliance with Metro standards for a local road (currently 27 feet of pavement) from the eastern frontage of parcel 42 to Edmondson Pike (approximately 2,400 feet).”

TRAFFIC

Public Works Recommendation - “No exceptions taken.”

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units per acre	Total number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.3	0.5	5	48	4	5

Typical Uses in Proposed Zoning District: RS15

Land Use (ITE Code)	Acres	Units Per acre	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.3	2.47	25	240	19	26

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	Units per acre	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				+192	+ 15	+ 21

METRO SCHOOL BOARD REPORT

Projected student generation for
RM15 3 Elementary 2 Middle 2 High

Schools Over/Under Capacity - Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Overton High School has been identified as being over capacity by the Metro School Board. There is capacity at a high school in an adjacent cluster. This information is based upon data from the school board last updated January 16, 2004.

Planned School Capital Improvements

Location	Project	Projected Date
Overton High	ADA Compliance	FY03-04

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –202

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-085g-12 is **APPROVED. (7-0)**

The proposed RS15 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for residential development at two to four dwelling units per acres.”

12. **2004Z-048U-03**
 Council Bill No. BL2004-284
 Map 71-6, Parcel 72
 Subarea 3 (1998)
 District 2 (Isabel)

A request to change from CL to MUL district property at 230 West Trinity Lane, west of I-65 (8.26 acres), requested by Gene Watkins, American Affordable Homes, owner.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 8.26 acres from commercial limited (CL) to mixed use limited (MUL) district at 230 West Trinity Lane, west of I-65.

Existing Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Proposed Zoning

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

BORDEAUX WHITES CREEK PLAN POLICY

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

Policy Conflict - No. The MUL district is consistent with the CMC policy. It is also consistent with surrounding zoning districts in that it allows for retail uses. A site plan was submitted and reviewed by staff because of its proximity to I-65 and relevance to surrounding uses. This plan incorporates residential and retail uses and is consistent with the policy.

RECENT REZONINGS Parcels to the south (143, 144, 147, 395) were disapproved by the Planning Commission for a zone change request from RS5 to CS on December 11, 2003. The bill has been indefinitely deferred by Council.

TRAFFIC

METRO PUBLIC WORKS’ RECOMMENDATION

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

Typical Uses in Existing Zoning District: CL

Alex Green Elementary School	Renovations	FY05-06
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Approved (7-0), *Consent Agenda*

Resolution No. 2004 –203

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-048U-03 is **APPROVED. (7-0)**

The proposed MUL district is consistent with the Bordeaux-Whites Creek Community Plan’s Commercial Mixed Concentration (CMC) policy intended for medium high to high density residential and all types of retail trade. A site plan was submitted and reviewed by Staff incorporating residential and retail uses.”

13. **2004Z-062U-10**
 Map 104-9, Parcel 244
 Subarea 10 (1994)
 District 25 (Shulman)

A request to apply the Historic Landmark Overlay District to the West End Middle School at 3529 West End Avenue, abutting the east margin of Bowling Avenue, (12.70 acres), requested by Metro Historical Commission, applicant, for Metropolitan Government, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - To apply the Historic Landmark Overlay District to the West End Middle School, Hume Fogg Magnet School, Martin Luther King, Jr. Magnet School, and East Literature Magnet Schools.

Existing Zoning

R20 district (West End) - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

CF district (Hume Fogg) - Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

CS/OR20 districts (Martin Luther King) - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. R6/CS districts (East Literature)

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

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

SUBAREA PLAN POLICIES

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

Central Business District (CBD) (Hume Fogg Magnet School) - CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest concentration of non-residential development in the city. Offices are the predominant type of development, also some retail, entertainment, community facilities, government services, and higher density residential.

Civic or Public Benefit in Open Space (Martin Luther King, Jr. Magnet School) - This policy includes various public facilities including schools, libraries, and public service uses. Open Space is reserved for active and passive recreation, as well as buildings that support such open space.

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

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

Policy Conflict - No. The Historic Landmark Overlay Districts are consistent with all the policies. These schools were taken into consideration when the policies were established for the respective areas.

The Metro Historic Zoning Commission (MHZC) recommended approval of these districts on June 16, 2004. Each school was found to be “historically significant” and are all listed individually on the National Register of Historic Places. The MHZC adopted design guidelines to protect the proposed historic landmark districts “from alterations that would lessen their architectural significance, new construction or additions not in character with the landmark area or structure, and from the loss of architectural, archaeological, or historically important structures or sites.”

RECENT REZONINGS None.

TRAFFIC - This rezoning is not expected to have a significant effect on traffic in these areas.

METRO SCHOOL BOARD REPORT

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

Approved (7-0), *Consent Agenda*

[Note: Items #13, 14, 15 and 16 were discussed by the Metropolitan Planning Commission together. See item #16 for actions and resolution.]

14. **2004Z-071U-09**
Map 93-63, Parcel 21
Subarea 9 (1997)
District 19 (Wallace)

A request to apply the Historic Landmark Overlay District to the Hume Fogg Magnet School at 700 Broadway, abutting the northwest corner of 7th Avenue and Broadway, (1.95 acres), requested by the Metro Historical Commission, applicant, for Metropolitan Government.

Approved (7-0), *Consent Agenda*

[Note: Items #13, 14, 15 and 16 were discussed by the Metropolitan Planning Commission together. See item #16 for actions and resolution.]

15. **2004Z-072U-08**
Map 92-8, Parcel 16

Subarea 8 (2002)
District 19 (Wallace)

A request to apply the Historic Landmark Overlay District to the Martin Luther King, Jr. Magnet School at 613-17th Avenue North, abutting the northwest corner of Jo Johnston Avenue and 17th Avenue, (6.82 acres), requested by the Metro Historical Commission, applicant, for Metropolitan Government, owner.

Approved (7-0), *Consent Agenda*

[Note: Items #13, 14, 15 and 16 were discussed by the Metropolitan Planning Commission together. See item #16 for actions and resolution.]

16. **2004Z-073U-05**
Map 83-9, Parcel 2
Subarea 5 (1994)
District 5 (Murray)

A request to apply the Historic Landmark Overlay District at the East Literature Magnet School at 112 Gallatin Avenue, at the terminus of North 10th Avenue, (24.92 acres), requested by the Metro Historical Commission, applicant, for Metropolitan Government, owner.

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –204

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-062U-10, 2004Z-071U-09, 2004Z-072U-08, and 2004Z-073U-05 is **APPROVED. (7-0)**”

2004Z-062U-10

The proposed Historic Landmark Overlay District (HLOD) is consistent with the Subarea 10 Plan’s Major Public Open Space Policy (MPOS). West End Middle School was taken into consideration when the policy was established for this area. The Metro Historical Zoning Commission recommended approval of this district on June 16, 2004, and found that this school is “historically significant.”

2004Z-071U-09

The proposed Historic Landmark Overlay District (HLOD) is consistent with the Subarea 9 Plan’s Central Business District (CBD) policy. The Metro Historical Zoning Commission recommended approval of this district on June 16, 2004, and found that Hume Fogg Magnet School is “historically significant.”

2004Z-072U-08

The proposed Historic Landmark Overlay District (HLOD) is consistent with the Subarea 8 Plan’s Civic or Public Benefit in Open Space policy. Martin Luther King, Jr. Magnet School was taken into consideration when the policy was established for this area. The Metro Historical Zoning Commission recommended approval of this district on June 16, 2004, and found that this school is “historically significant.”

2004Z-073U-05

The proposed Historic Landmark Overlay District (HLOD) is consistent with the Subarea 5 Plan’s Residential Medium (RM) and Commercial Arterial Existing (CAE) policies. The Metro Historical Zoning Commission recommended approval of this district on June 16, 2004, and found that East Literature Magnet Schools are “historically significant.”

17. **2004Z-074U-05**
Map 61-05, Parcel 7
Subarea 5 (1994)
District 8 (Hart)

A request to change from RS15 to MUN district property at 314 Broadmoor Drive, approximately 250 feet west of Lemont Drive, (0.69 acres), requested by Shemika and Alec Davis, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST -Rezone 0.69 acres from residential single-family (RS15) to mixed use neighborhood (MUN) district at 314 Broadmoor Drive.

Existing Zoning

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

Proposed Zoning

MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

SUBAREA 5 PLAN POLICY

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

Policy Conflict - Yes. The proposed MUN district is not consistent with the RM policy intended for residential development within a density range of four to nine dwelling units per acre. MUN allows for retail and/or office uses that are not consistent with the residential policy or the existing residential development in the area. There are no commercially zoned properties in this area currently.

RECENT REZONINGS None.

TRAFFIC-An access study will be required at the development stage.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.69	2.47	2	20	2	2

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.69	0.30	9,016	400	N/A	25

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				+380	--	+23

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.69	2.47	2	20	2	2

District 3 (Hughes)



A request to change from RS20 to RS10 district a portion of property at 3512 Knight Drive, opposite Brick Church Lane, (48 acres), requested by Ralph Monroe of Angel City Development Corporation, for William J. Berg, trustee.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-076G-03 to the July 22, 2004 meeting. (7-0)

- 19. 2004Z-079G-04**
Map 26, Parcels 40, 41 and 42
Subarea 4 (1998)
District 10 (Ryman)

A request to change from R10 to CS district properties located at 122, 126, and 132 Liberty Lane, on the south side of Vietnam Veterans Boulevard South, (3.27 acres), requested by Gresham-Smith and Partners, applicant for Iva Jewell Williams, Rober Perry and Ginger Morris, and David K. Adams, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 3.27 acres from residential (R10) to commercial service (CS) district at 122, 126, and 132 Liberty Lane, south of Vietnam Veterans Blvd. south.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 district would allow approximately 15 dwelling units total on this site.

Proposed Zoning

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

SUBAREA 4 PLAN POLICY

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

Policy Conflict - No. The proposed CS district is consistent with the RCS policy. The proposed zoning is also consistent with the surrounding zoning pattern, which is predominantly zoned CS on the south side of Vietnam Veterans Boulevard.

RECENT REZONINGS - 2004Z-086G-04 is to the north of this property which is also on this agenda for a request from R10 to RS10.

TRAFFIC - With the submittal of final development plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations. A TIS scoping meeting was held May 12, 2004.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	3.27	3.7	12	15	9	12

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	3.27	0.299	42,590	1888	N/A	116

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			+1873	---	+ 104

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	3.27	3.7	12	15	9	12

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.27	0.60	85.465	3669	88	321

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+3654	+79	+309

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –206

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-079G-04 is APPROVED. (7-0)

The proposed CS district is consistent with the Subarea 4 Plan’s Retail Concentration Super Community (RCS) policy intended for large-scale commercial development containing a wider array of goods and services. It is also consistent with the surrounding zoning pattern, which is predominantly zoned CS on the south side of Vietnam Veterans Boulevard.”

Map 92-7, Portion of Parcel 407
 Subarea 8 (2002)
 District 21 (Whitmore)

A request to change from IR to MUG district a portion of property at 600 21st Avenue North, west of Warner Street, (1.11 acres) requested by Charles R. Jones, applicant, Southern Business Insurance Group, Inc.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.11 acres from industrial restrictive (IR) to mixed use general (MUG) district at 600 21st Avenue North, west of Warner Street.

Existing Zoning

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

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 8 PLAN POLICY - WATKINS PARK DETAILED NEIGHBORHOOD DESIGN PLAN

Mixed Use in Neighborhood Urban (MU in NU) - 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.

NU is intended for fairly intense areas that are overall mixed in use and recognizes that the light mixed industrial areas, commercial uses, and residential uses can coexist in the same neighborhoods.

Policy Conflict - The proposed MUG district is consistent with the MU in NU policy in that it allows for residential, commercial, and office uses. The Detailed Neighborhood Design Plan does suggest a street connection through this site that would connect 21st, which likely will be a condition of approval for future development on this site. The plan also recognizes a historic site on this property in which the site should be preserved.

RECENT REZONINGS - Parcels 037 and 038 were rezoned from R6 to OR20 in August 2003, by Council. The Planning Commission recommended approval in May 2002. Parcel 048 was rezoned from R6 to OR20 in March 2000, by Council. The Planning Commission recommended approval in January 2000.

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

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (I)	1.11	0.561	27,125	190	25	27

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office ()	1.11	0.184	8,897	98	14	14
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Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				-92	-11	-13

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General light industrial ()	1.11	0.6	29,011	203	27	29

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office ()	1.11	3.0	145,055	1598	225	217

Change in traffic between Maximum Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	--			+1395	+198	+188

METRO SCHOOL BOARD REPORT

Projected student generation* 24 Elementary 16 Middle 14 High

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

*The numbers for MUG zoning are based upon students that would be generated if the MUG 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. 2004 –207

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-081U-08 is **APPROVED. (7-0)**

The proposed MUG district is consistent with Subarea 8--Watkins Park Detailed Neighborhood Design Plan's Mixed Use in Neighborhood Urban (MU in NU) policy intended for fairly intense areas that are already mixed in use."

21. 2004Z-082U-14
 Map 85, Parcel 52
 Subarea 14 (1996)
 District 14 (White)

A request to change from OR20 to MUL district property located at 3051 Lebanon Pike, at Medical Drive, (2.40 acres), requested by Ron Nemetz and Associates, for Donelson Fitness Holdings, LP, owner.

Staff Recommendation - Approve MUL.
 The applicant originally requested MUG and has amended the application to MUL.

APPLICANT REQUEST - Rezone 2.40 acres from office/residential (OR20) to mixed use limited (MUL) district at 3051 Lebanon Pike, at Medical Drive.

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

Proposed Zoning
MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

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

SUBAREA 14 PLAN POLICY

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

Policy Conflict - The applicant originally requested MUG and has amended the application for MUL. The proposed MUG district was not consistent with the CMC policy in this area. The MUG district is too intense for this area in which the property is surrounded mostly by residential zoning districts. Although MUG allows for residential uses, the bulk standards for the MUG zoning district would be more substantial than the surrounding zoning districts.

MUL is more appropriate than the MUG originally requested for this site in that it still allows for a mixture of land uses, but at a smaller scale than the MUG.

RECENT REZONINGS - None.

TRAFFIC - With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations. The MUL district would decrease the FAR and would decrease the peak hour trips for maximum uses.

Typical Uses in Existing Zoning District: OR20

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

General Office (710)	2.40	0.169	17,668	195	28	27
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Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.40	0.198	20,699	21	32	31

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				-174	+4	+4

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.40	0.8	83,635	921	127	125

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.40	3.0	313,632	3453	477	468

Change in traffic between Maximum Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				+2532	+350	+343

METRO SCHOOL BOARD REPORT

Projected student generation* 11 Elementary 7 Middle 6 High

Schools Over/Under Capacity - Students would attend Hermitage Elementary School, Two Rivers Middle School, or McGavock High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

*The numbers for MUG/MUL zoning are based upon students that would be generated if the MUG/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.

Planned School Capital Improvements

Location	Project	Projected Date
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Hermitage Elementary	Renovations	FY03-04
McGavock Cluster-Middle School	Construct a New Middle School	FY08-09
Two Rivers Middle	Renovations	FY06-07

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –208

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-082U-14 is **APPROVED. (7-0)**

The proposed MUL district is consistent with the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy calling for a wide range of commercial uses, as well as residential uses.”

- 22. 2004Z-083G-06**
 Map 128, Parcel 86
 Subarea 6 (2003)
 District 23 (Whitson)

A request to change from R20 to CL district property located at 548 Old Hickory Boulevard, on the west side of Tolbert Road, (2.25 acres), requested by Mary Christine Lewis, applicant/owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-083G-06 indefinitely. (7-0)

- 23. 2004Z-086G-04**
 Map 26, Parcels 32, 33 and 131
 Subarea 4 (1998)
 District 10 (Ryman)

A request to change from R10 to RS10 district properties located at Liberty Lane (unnumbered), and Peeples Court (unnumbered), (19.39 acres), requested by Joe McConnell, MEC, Inc., for Jack Nixon and Austin M. Writesman, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 19.39 acres from residential (R10) to residential single-family (RS10) district at Liberty Lane (unnumbered) and Peeples Court (unnumbered).

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 zoning would permit 89 units total on these properties.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 zoning would permit 71 units on these properties.

SUBAREA 4 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 - No. The proposed RS10 district is consistent with the RLM policy intended for residential development with a density range of two to four dwelling units per acre. The RS10 decreases the density and is consistent with the existing zoning in the area in that it allows for 10,000 square foot lot sizes.

RECENT REZONINGS - 2004Z-079G-04 is to the south and is on this agenda for a rezoning from R10 to CS.

TRAFFIC - No Exception Taken.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	19.39	3.7	72	689	54	73

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	19.39	3.7	72	689	54	73

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			0	0	0

METRO SCHOOL BOARD REPORT

Projected student generation

For existing and proposed zoning 12 Elementary 9 Middle 7 High

Students would attend Goodlettsville Elementary School, Goodlettsville Middle School, or Hunters Lane High School.

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

Planned School Capital Improvements

Location	Project	Projected Date
Goodlettsville Middle School	Renovations	FY04-05

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –209

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-086G-04 is **APPROVED. (7-0)**

The proposed RS10 district is consistent with the Subarea 4 Plan’s Residential Low Medium (RLM) intended for residential development at two to four dwelling units per acre.”

24. **2004Z-088G-12**
 Map 173, Parcel 5
 Subarea 12 (1997)
 District 31 (Toler)

A request to change from AR2a to RS10 district property at 1160 Barnes Road, east of Barnes Cove Drive, (19.33 acres), requested by Bryant L. Grantham, applicant for Glen Douglas and Carolyn B. Tommie, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 19.33 acres from agricultural residential (AR2a) to residential single-family (RS10) district at 1160 Barnes Road, east of Barnes Dove Drive.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan. The AR2a zoning would permit 10 dwelling units on this property.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 zoning would permit 72 lots on this property.

SUBAREA 12 PLAN POLICY

Residential Low Medium (RLM) - LM 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 - No. The proposed RS10 district is consistent with the RLM policy intended for residential development with a density range of two to four dwelling units per acre. The RS10 is also consistent with the surrounding zoning pattern in the area.

RECENT REZONINGS - Parcels 124 and 158 were rezoned in March 2004 by Council and the Planning Commission recommended approval in December 2003. Parcel 101 was also rezoned in May 2003, by Council. The Planning Commission recommended approval in February 2003. Finally, parcel 059 was rezoned in August 2001 by Council and the Planning Commission recommended approval in May 2001.

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

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	19.33	0.5	10	96	8	11

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	19.33	3.7	72	689	54	73

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

Land Use (ITE Code)	Acres			Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			+593	+46	+62

METRO SCHOOL BOARD REPORT

Projected student generation 14 Elementary 10 Middle 8 High

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

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$130,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10-year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements

Location	Project	Projected Date
Antioch Cluster	New middle school	FY03-04

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –210

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-088G-12 is **APPROVED. (7-0)**

The proposed RS10 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) intended for residential development at two to four dwelling units per acre. It is also consistent with the surrounding zoning pattern in the area.”

IX. PRELIMINARY SUBDIVISION PLATS

- 25. **2003S-238G-12**
Highland Creek, Section 6
Map 172, Parcel 157
Subarea 12 (1997)
District 31 (Toler)

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

The Metropolitan Planning Commission DEFERRED Preliminary Plat 2003S-238G-12 to the July 8, 2004 meeting. (7-0)

- 26. **2004S-182G-13**
Painter Property
Map 150, Parcels 190, 247, 366 and Portion of Parcels 139 and 187
Subarea 13 (2003)
District 33 (Bradley)

A request for preliminary plat approval for 85 lots located on the north side of Hamilton Church Road and the east side of Mt. View Road, (32.47 acres), classified RS10, requested by Global Development, Inc., owner, MEC, Inc., surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary Plat

Subdivide 32.47 acres into a 82 lot single-family cluster subdivision, and 3 large parcels that are not part of the cluster lot subdivision, located along the north side of Hamilton Church Road and the east side of Mt. View Road.

ZONING

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

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). There is no increase in the number of lots allowed, however.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 9.69 acres (39%) of open space within the portion designated for the cluster lot subdivision. The remaining three lots meet the base zoning requirement for lot size.

SUBDIVISION DETAILS - The three parcels include the site of a future church, and two existing home sites.

The applicant has set aside a greenway easement in compliance with the Antioch-Priest Lake Community Plan. This will provide an interconnected greenspace system for the larger community.

This development is part of the 375.52 acre “Windhaven Shores” rezoning in the Antioch area from the summer of 2002 (ORDINANCE NO. BL2002-1148 and 2002Z-071G-13).

School Site Dedication - The rezoning was conditioned that prior to final plat approval, a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential. This school is under construction and will open this fall.

PUBLIC WORKS RECOMMENDATION

1. The access road A for the subdivision shall be constructed with 1 entering lane and 2 exiting lanes with 100 ft of storage length and transition per AASHTO standards.
2. Dedicate right-of-way (ROW) along Mt. View Road frontage to provide adequate ROW for a westbound left turn lane at the access road to be constructed by future development. This ROW will allow the extension of and alignment with the left turn lane at the adjacent school access drive.

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

CONDITIONS

1. All conditions listed in the Public Works recommendations shall be required.
2. If existing vegetation is to be used to satisfy the required landscape buffer yard requirements of the Zoning Code, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.
3. A revised preliminary plat shall be submitted showing the following:
 - A “C” landscape buffer yard needs to be added behind the properties abutting lots 61, 61, 74-79.
 - Sidewalks are required on both sides of the streets in this subdivision and the detail on the preliminary plat needs to be updated to reflect this.

Mr. Kleinfelter stated that the person present removing this item from the consent agenda was no longer present at the meeting.

Mr. Small asked the audience if anyone was present to speak on this item and seeing none, there was a motion and a second, to close the public hearing.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to place preliminary plat 2004S-182G-13 back on the consent agenda and approve with conditions.

After this action was taken, a member of the audience who was unaware that this item was recently placed back on the consent agenda because he stepped out of the meeting, voiced his concern about hearing this item.

Mr. Tom White, attorney, (who was still present for this item, but who had also stepped out at the time it was approved and placed back on the consent agenda) was made aware of the Commission's actions and agreed with the Commission to rescind their action and to remove this item from the consent agenda.

Mr. Clifton moved and Mr. McLean seconded the motion, which passed unanimously, to rescind the motion placing this item on the consent agenda and approving it with conditions. **(6-0)**

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

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

Mr. Joe Wood, 6157 Mt. View Road, spoke in opposition to the proposal.

Ms. Alice Brandon, 6147 Mt View Road, spoke in opposition to the proposal.

Mr. McLean addressed the issues of additional traffic and sewer lines mentioned by the speakers. He stated that he is in favor of the proposal.

Mr. Clifton stated that this proposal meets all of the requirements necessary for approval.

Mr. Loring stated that the development has met all of the requirements for approval.

Mr. Tyler questioned staff on traffic studies completed for this development.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously, to approve preliminary plat 2004S-182. **(6-0)**

Resolution No. 2004 –211

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-182G-13 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. The access road A for the subdivision shall be constructed with 1 entering lane and 2 exiting lanes with 100 ft of storage length and transition per AASHTO standards.
2. Dedicate right-of-way (ROW) along Mt. View Road frontage to provide adequate ROW for a westbound left turn lane at the access road to be constructed by future development. This ROW will allow the extension of and alignment with the left turn lane at the adjacent school access drive.
3. If existing vegetation is to be used to satisfy the required landscape buffer yard requirements of the Zoning Code, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.
4. A revised preliminary plat shall be submitted showing the following:

- A “C” landscape buffer yard needs to be added behind the properties abutting lots 61, 61, 74-79.
- Sidewalks are required on both sides of the streets in this subdivision and the detail on the preliminary plat needs to be updated to reflect this.”

27. **2004S-193U-14**
Price Subdivision
Map 95-08, Parcel 191
Subarea 14 (1996)
District 15 (Loring)

A request to subdivide an existing parcel (parcel 191) into a 3-lot subdivision, and request a variance for sidewalk construction along the south side of Woodberry Drive along the property frontage (1.3 acres), located along the south side of Woodberry Drive, approximately 1/2 mile west of Donelson Pike, requested by Douglas McCormick, surveyor, for Lloyd M. Price, owner.

Staff Recommendation - *Approve, including a sidewalk variance*

APPLICANT REQUEST - Preliminary Plat

Subdivide one existing 1.3 acre lot into 3 lots, located along the south side of Woodberry Drive, approximately ½ mile west of Donelson Pike.

ZONING

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

SUBDIVISION DETAILS - All of the proposed lots pass the comparability requirements for 67.4 feet of frontage and 9,398 square feet of area.

SIDEWALK VARIANCE -The applicant has requested a sidewalk variance along Woodberry Drive. The stated reason for the request is that there are currently not sidewalks on Woodberry Drive, the property slopes downhill, and the property has two drainage structures draining into it. The applicant also notes that a retaining wall would be required to build the sidewalk.

PUBLIC WORKS CONSTRUCTABILITY REPORT -Existing pavement is 21.5 feet in width and in good condition. There is an existing ditch 13 feet from edge of pavement. The ditch is shallow and not well defined. The addition of sidewalk and curb and gutter would also require 2.5 feet of additional roadway. The addition of sidewalks may require that two existing 15-inch drainage pipes be extended, 5 feet or less.

Staff recommends approval of the sidewalk variance. This section of sidewalk, approximately 155 feet in length, will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

PUBLIC WORKS RECOMMENDATION - No exception taken.

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

Mr. Don Price, owner, spoke in favor of the proposal.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously, to approve staff recommendation on subdivision 2004S-193U-14. **(6-0)**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-193U-14 is **APPROVED, including a variance for sidewalk construction. (6-0)**”

X. FINAL PLATS

28. 2003S-135G-02
W. E. Scott Subdivision, Phase II
Map 33, Parcel 55
Subarea 2 (1995)
District 3 (Hughes)

A request for final plat approval to subdivide one lot into 4 lots abutting the northeast corner of Lowes Lane and Birdwell Drive (2.28 acres), classified within the R20 district, requested by Regency Construction, LTD, Inc., owner/developer, Tommy E. Walker, surveyor.

Staff Recommendation - *Approve*, with a recommendation to grant a waiver for Lot Resubdivision Comparability since the Subarea 2 Plan calls for development up to 4 units per acre and where the subdivision proposes a density of 1.76 lots per acre.

APPLICANT REQUEST - Preliminary & Final Plat

Subdivide a 2.28-acre tract into a 4-lot subdivision, at a proposed density of 1.76 dwellings units per acre. The property is located along the north side of Lowes Lane and west of Old Dickerson Pike.

ZONING

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

SUBAREA 2 POLICY

RL (Residential Low-Medium Density) - This subdivision falls within the Subarea 2 Policy’s Residential Low-Medium Density (RLM) policy. The RLM policy was applied to this area because it calls for residential development with densities between or below 2 to 4 dwelling units per acre.

SUBDIVISION DETAILS - The 2.27-acre tract lies along the north margin of Lowes Lane, and just west of Old Dickerson Pike. The plat proposes 4 lots, each 80 feet in width and lot sizes ranging between 23,794 square feet and 27,605 square feet. The plan proposes a density of 1.76 dwelling units per acre.

Resubdivision Lot Comparability - The Metro Subdivision Regulations require that future re-subdivisions undergo a lot comparability analysis to ensure that those re-subdivisions are consistent with the surrounding neighborhood character. In the summer of 2003 the Planning Commission revised to Subdivision Regulations to allow for a Lot Comparability Waiver if certain re-subdivisions meet specific criteria. This particular subdivision request meets one of the criteria to request a waiver. Since the plat proposes a density of 1.76 units/lots per acre, that density is consistent with – and actually slightly lower than – the Subarea 2 Plan’s Residential Low-Medium (RLM) policy for the area. The RLM policy calls for 2 to 4 dwelling units/lots per acre.

Sidewalks - Sidewalks are not required for this subdivision plat since the lots are all greater than 20,000 square feet and the property is zoned R20. Sidewalks are not required along new or existing streets where the zone district is 20,000 square feet or larger.

METRO PUBLIC WORKS’ RECOMMENDATION - All comments were adequately addressed by the applicant.

Approved, including a waiver for lot comparability (7-0), *Consent Agenda*

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003S-135G-02 is **APPROVED, including a waiver for lot comparability. (7-0)**”

- 29. 2003S-170G-02**
Dawn Brook Subdivision (formerly Hidden Valley Subdivision)
Map 33, Portion of Parcel 45
Subarea 2 (1995)
District 3 (Hughes)

A request for final plat approval to create 4 lots abutting the south margin of Campbell Road, approximately 1,000 feet north of Lowes Lane (4.13 acres), classified within the R20 district, requested by Tommy Cunningham, owner, Burns & Associates, surveyor.

Staff Recommendation - *Approve with conditions*, but disapprove sidewalk variance.

APPLICANT REQUEST - Final Plat

Subdivide 4.13 acres into 4 single-family lots along the south side of Campbell Road, approximately 1,000 feet north of Lowes Lane.

ZONING

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

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 R20 (minimum 20,000 sq. ft. lots) to R10 (minimum 10,000 sq. ft. lots).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 30,517 square feet (16.9%) of open space.

SUBDIVISION DETAILS - The Hidden Valley Subdivision gained preliminary approval on 3/29/01 and has expired. The applicant chose to bring forward a final plat for this section of the subdivision fronting on an existing road rather than revising the entire project at this time. Stormwater Regulations have changed since the approval of the preliminary in regards to undisturbed stream buffers, providing water quality structures and locating detention ponds in open space. These new requirements have affected the original design of the development. A revised preliminary will be required as new roads are proposed. Campbell Road has approximately 55 feet of right-of-way currently.

Sidewalk Variance - Although the property is zoned R20, where sidewalks are typically not required, because the lots are less than 20,000 square feet with the cluster lot subdivision, sidewalks are required along the frontage of Campbell Road.

Staff recommends disapproval of the sidewalk variance request finding that there is no unique hardship.

TRAFFIC

PUBLIC WORKS RECOMMENDATION - Joint driveways will be required. Campbell Road will need widening with the future phase of the development, dedicate 150 feet of storage for a left turn lane, plus AASHTO taper, to be constructed with future development.

CONDITIONS

1. Final Approval from Water and Sewer will be received and bond posted, if required, prior to recording of this final plat.
2. All conditions listed in the Public Works recommendations shall be required.

3. A sidewalk, built to Metro standards, shall be required along the frontage of Campbell Road.

Approved with conditions; plat has been revised so that sidewalks are not required. Remove condition 3. **(7-0), Consent Agenda**

Resolution No. 2004 –214

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003S-170G-02 is **APPROVED WITH CONDITIONS; plat has been revised so that sidewalks are not required. Condition #3 was removed.**

Conditions of Approval:

1. Final Approval from Water and Sewer will be received and bond posted, if required, prior to recording of this final plat.
2. All conditions listed in the Public Works recommendations shall be required.”

30. 2004S-178G-04
Madison Heights, Section 3, Resubdivision of Lot 4
Map 52-11, Parcel 53
Subarea 4 (1998)
District 9 (Forkum)

A request for final plat approval to subdivide one lot into two lots, located along the west side of Berwick Trail, 2,200 feet north of Allen Pass, (1.53 acres), classified RS20, requested by Thornton and Associates, surveyor, for Barry Parrish, owner.

Staff Recommendation - Approve with lot comparability waiver

APPLICANT REQUEST - Final Plat

Subdivide one existing lot on 1.53 acres into 2 single-family, located on the west side of Berwick Trail, 2,200 feet north of Allen Pass and abutting the Cumberland River.

ZONING

RS20 District - RS20 district, requiring a minimum lot size of 20,000 square feet and intended for single family dwellings at an overall density of 1.85 dwelling units per acre.

SUBDIVISION DETAILS

Lot Comparability Waiver - A comparability test was conducted and yielded a minimum lot size 37,207.5 square feet and minimum lot frontage 164 ft. Lot 1 fails for frontage and lot 2 fails both frontage and area. However, this proposal qualifies for a waiver from the regulations because the two lots have a density that fits with the Residential Low Policy of 1 to 2 dwelling units per acre. The density for this proposal is 1.3 units per acre.

Greenway -A greenway conservation easement is not required since the Greenway’s Master Plan does not show a greenway on this side of the river. The Subdivision Regulations only require dedications when adjacent to a greenway as shown on the Master Plan.

PUBLIC WORKS RECOMMENDATION - No exceptions taken.

Approved, including a waiver for lot comparability **(7-0), Consent Agenda**

Resolution No. 2004 –215

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-178g-04 is **APPROVED, including a waiver for lot comparability. (7-0)**”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

31. **53-84-U-12**
Hickory Heights, Phase 2
Map 161, Parcels 93 and 284
Subarea 12 (1997)
District 31 (Toler)

A request for final approval for a portion of the Residential Planned Unit Development located abutting both sides of the southern terminus of Swiss Avenue, south of Old Hickory Boulevard, classified RM15, (5.00 acres), to permit the development of 36 two-story townhouse units, requested by Dale and Associates for Affordable Housing Resources, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

A request for final PUD plan approval to develop 36 townhomes on a portion of the residential PUD located on the west margin of Swiss Avenue, south of Old Hickory Boulevard.

Existing Zoning

RM15 district/Residential PUD - This 44.98 acre PUD was approved in 1984, including 1,114 multi-family units. The Planning Commission revised the plan on December 6, 2001, to allow 100 single-family lots and 184 apartment units. The PUD was most recently revised, by the Commission, in July of 2003, by replacing 23 single-family lots with 36 townhomes. The RM15 district is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

PLAN DETAILS - The applicant is requesting final PUD approval for a 5-acre portion of the existing PUD plan that was revised last year to permit the development of 36 two-story townhouse units replacing 23 single-family lots. This area is within the Subarea 12 Plan's Residential Medium High (RMH) policy, which calls for 9 to 20 dwelling units per acre.

Plan Design - The PUD plan is designed with eight buildings along Swiss Avenue ending on a temporary cul-de-sac. A future connection to the abutting subdivision is provided at the cul-de-sac. Although the RM15 zoning would allow 75 multi-family units on 5 acres, the applicant is proposing to develop 36 townhome units.

METRO PUBLIC WORKS' RECOMMENDATION - The proposed 36 units would generate approximately 440 trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Approval with conditions, including the following conditions listed below to be completed by the developer.

Approve with the following conditions. The conditions have been reworded to resolve conflicts in Resolution No. 2003-285.

At Zermatt/ OHB Intersection

1. Prior to the issuance of any use and occupancy permits, construct a separate eastbound right turn lane on OHB at Zermatt Ave. with 100 ft storage and transition per AASHTO standards.
2. Prior to the issuance of any use and occupancy permits, stripe a dedicated westbound left turn lane within existing continuous 2-way center turn lane on OHB at intersection with Zermatt. This turn lane shall have 100 ft of dedicated storage.
3. Prior to the issuance of any use and occupancy permits, Zermatt Ave. shall be widened and striped to provide 1 entering lane and 2 exiting lanes. The left turn lane shall have a minimum 150 ft storage length and transition per AASHTO standards. The right turn lane shall be continuous with the approach lane.

4. Prior to the recording of a final plat a bond shall be posted for a possible traffic signal to be installed at the intersection of OHB and Zermatt. The developer is to conduct traffic counts and signal warrant analysis at Zermatt and OHB after the 51st use and occupancy permit and submit to the Metro traffic engineer for approval. If warrants are not met for signal installation, counts and analysis shall be repeated annually or until the project is completed whichever ever occurs first. When, or if, signal warrants are met, the developer shall submit signal plans to the Metro Traffic Engineer for approval and install the signal.

At the Nolensville Road and Swiss Ave intersection

1. Prior to the issuance of a use and occupancy permit for the 51st unit, construct a right turn lane with 75 ft of storage and transition per AASHTO southbound on Nolensville Road at Swiss Ave.
2. Prior to the establishment of a plat for the 51st unit the developer is to post a bond and conduct traffic counts and signal warrant analysis at the intersection of Swiss Ave. and Nolensville Road for a possible signal and submit to the Metro traffic engineer for approval. The bond shall remain in place for three years thereafter. If the applicant and Public Works agree that the signal is not warranted after three years time period, the bond may be released and the developer will be relieved of any obligation to install the signal. If warrants are met for the signal installation during the three year period, the developer shall submit signal plans to the Metro Traffic Engineer for approval and install the signal.

All construction plans must be approved by Metro Public Works prior to construction.

CONDITIONS

1. As required by the Metro Traffic Engineer and the Traffic Impact Study, the conditions listed above under the Public Works conditions shall be required.
2. Prior to the recording of a final plat for any phase, (a) Public Works' approval is subject to Public Works review and approval of construction plans for this subject, (b) if using minimum required ROW, then add a 3-foot public pedestrian access easement on the outside edge of sidewalks, (c) handicap ramps should be in the turning radius, (d) will need dead-end sign and street name signs.
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 Metro Council will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission and possibly the Metro Council.

Approved with conditions (7-0), *Consent Agenda*

Resolution No. 2004 –216

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 53-84-U-12 is **APPROVED WITH CONDITIONS, except for Public Works' Condition #1. (7-0)**

**Conditions of Approval:
At Zermatt/ OHB Intersection**

1. Prior to the issuance of any use and occupancy permits, stripe a dedicated westbound left turn lane within existing continuous 2-way center turn lane on OHB at intersection with Zermatt. This turn lane shall have 100 ft of dedicated storage.
2. Prior to the issuance of any use and occupancy permits, Zermatt Ave. shall be widened and striped to provide 1 entering lane and 2 exiting lanes. The left turn lane shall have a minimum 150 ft storage length and transition per AASHTO standards. The right turn lane shall be continuous with the approach lane.
3. Prior to the recording of a final plat a bond shall be posted for a possible traffic signal to be installed at the intersection of OHB and Zermatt. The developer is to conduct traffic counts and signal warrant analysis at Zermatt and OHB after the 51st use and occupancy permit and submit to the Metro traffic engineer for approval. If warrants are not met for signal installation, counts and analysis shall be repeated annually or until the project is completed whichever ever occurs first. When, or if, signal warrants are met, the developer shall submit signal plans to the Metro Traffic Engineer for approval and install the signal.

At the Nolensville Road and Swiss Ave intersection

4. Prior to the issuance of a use and occupancy permit for the 51st unit, construct a right turn lane with 75 ft of storage and transition per AASHTO southbound on Nolensville Road at Swiss Ave.
5. Prior to the establishment of a plat for the 51st unit the developer is to post a bond and conduct traffic counts and signal warrant analysis at the intersection of Swiss Ave. and Nolensville Road for a possible signal and submit to the Metro traffic engineer for approval. The bond shall remain in place for three years thereafter. If the applicant and Public Works agree that the signal is not warranted after three years time period, the bond may be released and the developer will be relieved of any obligation to install the signal. If warrants are met for the signal installation during the three year period, the developer shall submit signal plans to the Metro Traffic Engineer for approval and install the signal.
6. As required by the Metro Traffic Engineer and the Traffic Impact Study, the conditions listed above under the Public Works conditions shall be required.
7. Prior to the recording of a final plat for any phase, (a) Public Works' approval is subject to Public Works review and approval of construction plans for this subject, (b) if using minimum required ROW, then add a 3-foot public pedestrian access easement on the outside edge of sidewalks, (c) handicap ramps should be in the turning radius, (d) will need dead-end sign and street name signs.
8. 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.
9. 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.
10. 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.
11. These plans as approved by the Metro Council will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission and possibly the Metro Council."

32.

91P-010U-10

Tennyson Business Machines Commercial PUD
 Map 105-10, Parcels 110, 111 and 112
 Subarea 10 (1994)
 District 17 (Greer)

A request to cancel an undeveloped commercial PUD (0.77 acres), classified within the ORI and CL districts, which allowed for the development of a 13,200 square foot office, showroom, and warehouse facility for Tennyson Business Machines, located along the north side of Wedgewood Avenue, east of 8th Avenue South, and west of I-65, as requested by Elite Homes, LLC, applicant, for Chris Espander, Alison Rohr, and others, owners.

Staff Recommendation *Approve*

APPLICANT REQUEST - Cancel PUD

Request to cancel an undeveloped commercial Planned Unit Development that was adopted by Metro Council on May 5, 1992, and allowed for the development of a 13,200-square foot office and storage/warehouse facility. The property is located along the north side of Wedgewood Avenue, east of 8th Avenue South, and west of Interstate 65.

METRO PUBLIC WORKS' RECOMMENDATION - No exception taken.

COMMENTS

History

On April 1, 1999, the Metro Planning Commission approved a request to cancel this PUD overlay. The request was filed with Metro Council (BL99-1727), but was never approved.

Zoning

Since this PUD plan was never developed, there is no concern with existing uses being inconsistent with the base zone districts of ORI and CS. If the PUD is successfully cancelled, the site could be developed in accordance with those zone districts.

Access

There are no access issues with this PUD plan being cancelled. All access points are via existing rights-of-way. The cancellation of the PUD will not preclude access to any adjacent sites.

Resolution No. 2004 –217

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 91P-010U-10 is **APPROVED. (7-0)**”

- 33. 94P-020G-03**
FEDEX Package Distribution Commercial PUD Distribution PUD
Map 49, Parcel 326
Subarea 3 (1998)
District 3 (Hughes)

A request to revise the preliminary PUD plan and for final PUD approval for the Roadway Express Distribution Center PUD, now owned by FedEx Ground, for property located along the north side of Briley Parkway and east of Knight Drive, (96.25 acres), classified IWD, to allow for the internal expansion of the facility by 22,683 square feet where the facility is approved for 230,000 square feet of distribution and only 215,425 square feet have been constructed to date, requested by GBC Design, Inc., applicant, for FedEx Ground Package Systems, Inc., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request for revision to preliminary and for final Planned Unit Development approval for a portion of the FedEx distribution commercial PUD (formerly Roadway Package) to allow for the expansion of the facility by 22,683 square feet, where 230,000 square feet of floor area are permitted and only 215,000 square feet has been constructed. The property is located along the north side of Briley Parkway and east of Knight Drive.

PLAN DETAILS - The proposed revision and final plan add 22,683 square feet of commercial distribution space to the existing facility. The PUD was originally adopted by Metro Council in 1994, and allowed for the development of 230,000 square feet of warehouse & distribution for the Roadway Package Corporation. Since that date, FedEx has purchased the site and wants to update and slightly expand the facility. Adding 22,683 square feet of floor area does not trigger an amendment before Metro Council because only 215,000 square feet of floor area has been completed to date.

The Metro Code allows for an existing commercial PUD to develop up to 10% over the last Council-approved gross floor area. The last Council-approved gross floor area is 230,000 square feet. Ten percent over that number would allow a total of 253,000 square feet without having to seek an amendment before Council. Therefore, since the additional 22,683 square feet bring the total floor area to 237,683 square feet, an amendment to the PUD is not required at this time.

METRO PUBLIC WORKS' RECOMMENDATION - In 1994, a Traffic Impact Study (TIS) reviewed two phases of development/utilization of this facility. Phase 1 was based on 300 linehaul trips, where phase 2 was based on 700 linehaul trips. The second phase implementation is occurring approximately 5 years prior to the forecasted 2010 completion date. Therefore, all previous roadway mitigations as identified in the TIS must be constructed.

Approve with the following conditions for phase 2 construction:

1. Construct a separate northbound right turn lane on Knight Drive at Ewing Drive with 350 feet of storage and transition per AASHTO standards.
2. Construct separate left and right turn lanes on Ewing Drive at Knight Drive with 100 feet of right turn storage and transition per AASHTO standards.
3. Verify adequate sight distance at existing access road at Knight Drive.

4. Dedicate 5 feet of ROW along Knight Drive frontage. Reserve an additional 6feet of ROW for non-residential collector.

CONDITIONS

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

Approved with conditions (7-0), *Consent Agenda*

Resolution No. 2004 –218

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 94P-020G-03 is **APPROVED WITH CONDITIONS.** (7-0)

Conditions of Approval:

1. Construct a separate northbound right turn lane on Knight Drive at Ewing Drive with 350 feet of storage and transition per AASHTO standards.
 2. Construct separate left and right turn lanes on Ewing Drive at Knight Drive with 100 feet of right turn storage and transition per AASHTO standards.
 3. Verify adequate sight distance at existing access road at Knight Drive.
 4. Prior to the issuance of any building permits, all conditions provided by Metro Public Works must be completed or appropriately bonded.
 5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
 6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
 7. 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.
 8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”
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- 34.** **98P-007U-12**
Seven Springs (St. Martin Square)
Map 160, Parcel 46
Subarea 12 (1997)
District 31 (Toler)

A request for final PUD approval for a portion of the Seven Springs Planned Unit Development, to be called St. Martins Square, for property located along the north side of Old Hickory Boulevard across from the terminus of Cloverland Drive, (8.27 acres), classified OR40, to allow for the development of a 144-unit condominium complex in 2 4-story buildings, as requested by Barge, Cauthen & Associates, applicant, for Vatland Development Partnership, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD - Request for final PUD approval for the Seven Springs Planned Unit Development to allow for the development of 144 condominiums in two buildings. The property is located along the north side of Old Hickory Boulevard, directly across from the terminus of Cloverland Drive.

ZONING

OR40 - The OR40 (Office/Residential) zoning district is intended for office and/or multi-family residential units at up to 40 dwelling units per acre. This development proposes a density of 17 condominiums per acre – which is well below the maximum of 40 unit per acre.

PLAN DETAILS

The plan includes two buildings, each containing 72 units and four stories in height. The total floor area proposed for both buildings is 344,000 square feet. The amendment to the PUD – which was approved by Metro Council on May 18, 2004 – was required because the proposed 4-story height exceeded the height controls established by the previous Council-approved plan, which set maximum heights along the eastern property line at specified setbacks for the independent and assisted living facilities.

The original Council-approved plan established that, along the eastern property line, a 3-story building could be constructed at the 150-foot setback line and a 4-story building could be built at the 200-foot setback line. The recently amended preliminary plan was approved to place both buildings 135 feet from the east property line. This Final PUD plan is consistent with the amended preliminary PUD plan. All other supplemental conditions added as part of the Council-approved plan have been carried over to this plan – such as the additional screening and buffering required along the east property line adjacent to the Hearthstone subdivision.

METRO PUBLIC WORKS' COMMENTS - No exception taken.

CONDITIONS

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

Approved with conditions (7-0), *Consent Agenda*

Resolution No. 2004 –219

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98P-007U-12 is **APPROVED WITH CONDITIONS.** (7-0)

Conditions of Approval:

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

XII. MANDATORY REFERRALS

35. **2004M-046U-13**
Map 119-15, Parcels 39 and 44
Subarea 13 (2003)
District 16 (McClendon)

A request for easement acquisition for Stormwater construction of drainage system at 734 Wildview Drive and 906 Drummond Drive, Metro Water Services Project No. 03-D-376, requested by Metro Water and Sewerage Services.

Staff Recommendation *Approve*

APPLICANT REQUEST - A request for easement acquisition for Stormwater construction of drainage system at 734 Wildview Drive and 906 Drummond Drive, Metro Water Services Project No. 03-D-376, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –220

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-046U-13 is **APPROVED.** (7-0)”

36. **2004M-047U-10**
Map 117-14, Parcel 79
Subarea 10 (1994)
District 34 (Williams)

A request for easement acquisition for Stormwater construction of drainage system at 3932 Cross Creek Road, Metro Water Services Project NO. 03-D-0356, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for easement acquisition for Stormwater construction of drainage system at 3932 Cross Creek Road, Metro Water Services Project No. 03-D-0356, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –221

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-047U-10 is **APPROVED. (7-0)**”

37. **2004M-048U-02**
Map 50-15, Parcel 191
Subarea 2 (1995)
District 3 (Hughes)

A request for easement acquisition for Stormwater construction of drainage system at 3188 Robwood Drive, Metro Water Services Project No. 02-D-192, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for easement acquisition for Stormwater construction of drainage system at 3188 Robwood Drive, Metro Water Services Project No. 02-D-192, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –222

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-048U-02 is **APPROVED. (7-0)**”

38. **2004M-049G-04**
Map 42-7 A, Parcel 30
Subarea 4 (1998)
District 4 (Craddock)

A request for easement acquisition for Stormwater construction of drainage system at 311 Heritage Court, Metro Water Services Project No. 03-D-368, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for easement acquisition for Stormwater construction of drainage system at 311 Heritage Court, Metro Water Services Project No. 03-D-368, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –223

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-049G-04 is **APPROVED. (7-0)**”

39. **2004M-051G-06**
Map 141-12, Parcel 110
Subarea 6 (2003)
District 35 (Tygard)

A request for easement acquisition for Stormwater construction of drainage system at 925 Morton Mill Road, Metro Water Services Project No. 03-D-0499, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for easement acquisition for Stormwater construction of drainage system at 925 Morton Mill Road, Metro Water Services Project No. 03-D-0499, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –224

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-051G-06 is **APPROVED. (7-0)**”

40. **2004M-052G-10**
Map 158-04, Parcels 14, 17 and 18
Subarea 10 (1994)
District 34 (Williams)

A request for easement abandonment for a Public Utility Drainage Easement at Sherwood Drive (unnumbered), 6000 Sherwood Drive, and 6001 Sherwood Drive, Metro Water Services Project No. 04-DG-88, requested by Metro Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for easement abandonment for a Public Utility Drainage Easement at Sherwood Drive (unnumbered), 6000 Sherwood Drive, and 6001 Sherwood Drive, Metro Water Services Project No. 04-DG-88, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department and the Emergency Communication Center.

The Nashville Electric Service recommends conditional approval with a condition that NES retain any and all easements.

Planning staff supports this request.

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –225

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-052G-10 is **APPROVED. (7-0)**”

- 41.** **2004M-054U-13**
Aerial encroachment/Clopay Plastics, Inc.
Map 134, Parcels 175, 202 and 203
Subarea 13 (2003)
District 28 (Alexander)

A request for an aerial encroachment for a fiber optic line running approximately 1,650 feet in the right-of-way of Harding Industrial Drive, northwest of Harding Place by Clopay Plastic Products Company, Inc., applicant.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an aerial encroachment for a fiber optic line running approximately 1,650 feet in the R.O.W. of Harding Industrial Drive, northwest of Harding Place by Clopay Plastic Products Company, Inc., applicant.

The length of cable would connect the main building at 493 Harding Industrial to the second building at 555 Harding Industrial using existing NES poles.

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

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

Approved (7-0), *Consent Agenda*

Resolution No. 2004 –226

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-054U-13 is **APPROVED. (7-0)**”

- 42.** **2004M-055U-11**
Alley closure/Hart Street and 1st Avenue

Map 105-8, Parcels 50, 51, 52, 56 and 57
Subarea 11 (1999)
District 17 (Greer)

A request to close alley #688 west of 1st Avenue South, south of Hart Street by Donnel Wordlaw and Morning Star Baptist Church, applicant for Metro Government, owner.

Staff Recommendation -*Approve with a condition*

APPLICANT REQUEST - A request to close alley #688 west of 1st Avenue South, south of Hart Street by Donnel Wordlaw and Morning Star Baptist Church, applicants.

Affected properties are zoned R6 and are located in the RM (residential medium) policy area of the Subarea 11 Plan. This will not result in the creation of any landlocked parcels or limit access. All existing adjacent properties will continue to have public access.

DEPARTMENT AND AGENCY COMMENTS - There is an existing 8” water line in the alley that Water services wants protected by an easement. No other responding departments or agencies take exception.

RECOMMENDATION - Approve with the following condition:

1. Easement rights will be retained for the existing 8” water line in Alley #688.

The following departments or agencies have reviewed this request and recommended approval: Metro Water Services, and Emergency Communications Center.

Approved with conditions **(7-0)**, *Consent Agenda*

Resolution No. 2004 –227

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-055U-11 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. Easement rights will be retained for the existing 8” water line in Alley #688.

XIII. OTHER BUSINESS

43. Extension to the contract for Goodlettsville Downtown Business District Streetscape Plan with Lose & Associates

Approved **(7-0)**, *Consent Agenda*

44. Contract for the Calibration and Validation of the Nashville Area Regional Travel Demand Model with PBS&J

Approved **(7-0)**, *Consent Agenda*

45. Contract for the temporary Professional Planning Services of Cheryl Hunter-Grah

Approved **(7-0)**, *Consent Agenda*

46. Executive Director Reports

47. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.



Chairman

Secretary