



**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 26, 2003

Location: Howard School Building
Time: 4:00 pm

Commissioners in attendance:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
James McLean
Victor Tyler
Councilman John Summers
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Marie Cheek, Planning Technician I
Adrian Bond, Planner II
Kathryn Fuller, Planner II
Bob Leeman, Planner III
Preston Mitchell, Planner II
Randy Reed, Planner I
Abby Scott, Planner I
Chris Wooton, Planning Technician I

Absent:

Tonya Jones
Ann Nielson

I. CALL TO ORDER

Meeting called to order at 4:15.

II. ADOPTION OF AGENDA

Ms. Hammond stated Item #29, 96-72-G-0, Bellevue Plaza Shopping Center, was actually in District 23 (Bogen), not District 35 (Tygard).

Mr. McClean moved and Mr. Small seconded the motion, which unanimously passed, to adopt agenda as corrected. (8-0)

Approved with correction to Item No. 20, which should read: District 23 (Bogen). (8-0)

The Commission questioned staff about an Item 37. Mr. Kleinfelter stated the mandatory referral was approved by Metro Council on 6/24/03 without a recommendation to the Planning Commission, and therefore was not placed on this agenda.

III. APPROVAL OF MAY 22, 2003 MINUTES

Mr. McLean moved and Mr. Small seconded the motion, which unanimously passed, to approve 5/22/03 minutes. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Chairman Lawson recognized the following Councilmembers:

Councilman Bogen spoke in favor of Item 29 – 96-72-G-06.

Councilman Greer spoke in favor of Item #12 – 2003Z-85U-10

Councilman Derryberry asked to speak later in meeting.

Councilman Ponder Item spoke in favor if Item #14 – 2003Z-087G-13

Councilman Tygard spoke in favor of Item #29 – 96-72-G-06

Councilman Shulman spoke in favor of Item #21 – 2003Z-094U-10

Councilman Loring spoke in favor of Items 1, 2, 3 – Items #2001Z-060U-14, 2003P-007U-14 and 36-76-G-14.

Councilman Dillard requested additional information regarding Item #22 – 2003Z-095G-04, Council Bill BL2003-1484. After discussion, Councilman Dillard stated that he would remove this Bill from the 7/8/03 public hearing Council meeting. At this time, the Commission members were advised by legal council, that they could also remove this item from their agenda as well.

Mr. McLean moved and Mr. Small seconded the motion to remove Item #22, 2003Z-095G-04 from the agenda due to Councilmember Dillard’s statement that item will be withdrawn at the July 8th Metro Council public hearing. (8-0)

Councilman John Summers arrived at 4:20

V. OTHER BUSINESS

a. Executive Director Reports

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

Deferred Indefinitely (8-0)

c. Grant Agreement between the State of Tennessee, Department of Transportation and the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization for the Commute Market Research for the Southeast Corridor.

Approved (8-0), Consent Agenda

d. Contract between The Metropolitan Government of Nashville and Davidson County and Wilbur Smith Associates for Regional Freight and Goods Movement Study: Phase I.

Approved (8-0), Consent Agenda

e. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

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

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

in favor of the sidewalk removal to serve as the cause for the re-hearing. (Deferred from meeting of June 12, 2003). Deferred indefinitely.

Mr. Small moved and Mr. McLean seconded the motion, which passed unanimously, to defer the announced items. (8-0)

VII. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

- 5. 2003Z-033U-14 - R10 to CL, 312 Donelson Pk. – Approve
- 7. 2003Z-050U-08 – R6 to OL, Felicia St. – Approve rezoning parcels 200, 201 and 202, and amend council bill to remove parcels 193 and 197
- 16. 2003Z-089U-10 - OR20 to R10, Elliott Ave., Inverness Ave. & Hillview Heights - Approve
- 18. 2003Z-091U-05 - CS to MUG, Woodland Street (unnumbered) – Approve
- 20. 2003Z-093U-09 - CS to MUL, 942 Jefferson St. -Approve

PRELIMINARY SUBDIVISION PLATS

- 24. 2003S-032G-02 - Gilbert Lowe Subdivision (preliminary plat) - Approve with conditions
- 25. 2003S-090G-01 - James L. Paradise, Jr. Lots - Approve with conditions
- 26. 2003S-118G-04 - Myatt Business Center (Odom Property, Myatt Dr.- Approve with conditions

FINAL PLATS

- 27. 2003S-150G-12 - Highland Creek, Revision 1, Section 3, Sherbrooke Lane - Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions and amendments)

- 28. 2002P-003U-03 - Park Preserve, Phases 1 and 3 - Approve with conditions
- 29. 96-72-G-06 -Bellevue Plaza Shopping Center - Approve with conditions
- 30. 98-73-G-02 - Hickory Hills Commercial - Approve with conditions
- 31. 88P-068G-13 - Nashboro Square Commercial Center - Approve with conditions

MANDATORY REFERRALS

- 32. 2003M-067 Sidewalk Capital Improvements Project - Approve
- 34. 2003M-071U-10 - Close Portions of Alleys #428, \$393 and 13th Avenue South - Approve
- 35. 2003M-072U-10 - Fiber Optic Line Aerial Encroachment - Approve

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

Mr. Clifton moved and Mr. Sweat seconded the motion, which unanimously passed, to approve staff recommendations for items on Consent Agenda (8-0)

VIII. HEARING: ZONING MAP AMENDMENTS

- 1. **2001Z-060U-14**
Council Bill No. BL2003-1462
Map 95-02, Parcel 110
Subarea 14 (1996)
District 15 (Loring)

A council bill to change from RS10 district to MUG district property located at 252 Donelson Hills Drive and the north margin of Lebanon Pike, (40.00 acres), requested by Micheal Manous of Manous Consulting and Design, for Thomas Beasley and Cumberland Yacht Harbor, owners. (See PUD Proposal No. 2003P-007U-14 on page 3).

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Rezone 40 acres from residential single-family (RS10) to mixed-use general (MUG) district property at 252 Donelson Hills Drive, along the north side of Lebanon Pike.

Existing Zoning

RS10 district - RS10 zoning is intended for single-family homes on 10,000 square foot lots at a maximum density of 3.7 dwelling units per acre. The current zoning would permit 148 single-family lots on this property.

Proposed Zoning

MUG district/PUD - Mixed Use General zoning is intended for a moderately high intensity mixture of residential, retail, and office uses. It also permits a marina under the boat dock use category. MUG permits a maximum floor area ratio (FAR) of 3.0, and a maximum height of 65 feet at the setback line. (See PUD proposal 2003P-007U-14).

SUBAREA 14 PLAN POLICY

Natural Conservation (NC) - NC policy is designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban intensities. The NC policy was applied to the floodplain of the Cumberland River and Mill Creek.

Policy Conflict - At the May 22, 2003, meeting the Commission asked staff to review the policy further to determine if this project is consistent with the plan.

After reviewing the Concept 2010 Plan and the Subarea 14 Plan further, staff notes that there is some ambiguity between the two adopted plans.

Concept 2010 Plan - The General Plan (Concept 2010) is a much broader plan in its scope, which supports a marina if there is a legitimate need. Since this property is located on a major arterial with very good access, and in proximity to the Cumberland River, staff believes it is an appropriate site to be considered for a marina if environmental considerations can be addressed.

Since a marina is a unique use with a very limited number of potential sites, staff feels that this proposal is in line with the overall intent of the Concept 2010 General Plan. Within the “Residential Environment” component there is a section concerning parks and recreation facilities. The General Plan states:

The Cumberland River, tributaries and reservoirs constitute a major recreational resource in Davidson County. Acceptable water quality standards must be maintained in order to preserve the waterways for fishing, boating, and other water-related activities. Public access points and facilities such as docks and boat launches should be maintained, and new ones constructed as required by reasonable public demand The recreation facilities of private or semiprivate organizations often provide a supplement to public facilities. The development of such facilities should be encouraged to the extent that legitimate demand can be shown to exist for the proposed facilities, and that compatible land development patterns can be served. (General Plan, page 26-28)

Staff has contacted several local marina’s who have indicated they are full or 95% full; several have waiting lists for boats slips. Rock Harbor marina on the Cumberland River, for example, has approximately 170 boat slips and representatives indicated there is a waiting list for boat slips.

Subarea 14 Plan - The Subarea 14 Plan designates this property as Natural Conservation (NC). Although this property falls within the NC policy, the Subarea 14 plan does not rule out development entirely:

Development of any part of this NC area that is approved for alteration and removal from the floodplain should be guided by the adjoining RLM policy. Greenway plans affect this area and should be taken into account as part of the review of any development proposals involving sites in this area. A portion of this area on the north side of Lebanon Pike and west of Mill Creek is included in an area approved for medium density residential development. That development approval should continue to be recognized; however, a voluntary reduction in density is encouraged. (Page 53, Subarea 14 Plan).

While the MUG district is not typically consistent within the NC policy, a site-specific PUD plan has been submitted limiting the uses to residential and general commercial uses, not heavy commercial or semi-industrial uses.

RECENT REZONINGS -None

TRAFFIC - Based on the trip generation numbers from the traffic impact study for the marina, condominiums, and retail uses, this proposal will generate 5,470 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - See Traffic conditions below.

SCHOOLS

Students Generated 20 Elementary 13 Middle 10 High

Schools Over/Under Capacity - Students will attend Pennington Elementary School, Two Rivers Middle School, and McGavock High School. Pennington has been identified as being overcrowded by the Metro School Board.

CONDITIONS

The following conditions have been made part of the council bill and should be bonded or completed prior to final plat recordation.

1. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
2. Construct a Left turn lane on Lebanon Road for cars entering project site. Include 200 ' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
3. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
4. Construct a minimum of 869 parking spaces.
5. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
6. Construct one access road to outparcel from main project road. One lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
7. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

Approve with conditions (8-0)

[See below for public hearing and Commission discussion. Zone Change Proposal No. 2001Z-060U-14, PUD 2003P-007U-14, and PUD 36-76-G-14 were heard on Public Hearing and discussed by the Commission together.]

2. **2003P-007U-14**
 Council Bill No. BL2003-1463
 Cumberland Yacht Harbor
 Map 95-02, Parcel 10
 Subarea 14 (1996)
 District 15 (Loring)

A council bill for preliminary approval for a Planned Unit Development located abutting the north margin of Lebanon Pike and the western margin of Donelson Hills Drive, classified RS10 and proposed for MUG, (40.00 acres), to permit the development of 181 condominium units, 50,735 square feet of retail/ restaurant/office and a 225

slip public marina and marina services, requested by Manous Consulting and Design, for Cumberland Yacht Harbor LLC, owner. (See Zone Change Proposal No. 2001Z-060U-14 on page 2).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD - This is a request to apply a Planned Unit Development district on 40 acres located along Donelson Hills Drive, Lebanon Pike and along Mill Creek.

This proposal includes 181 condominium units, 50,735 square feet of retail, restaurant, office, and convenience market uses, and a public marina including 225 boat slips.

Proposed Zoning

MUG district - Mixed Use General property has a base zoning of RS10 currently, while MUG is proposed (see Zone Change Proposal 2001Z-060U-14) with a PUD overlay.

PLAN DETAILS - This plan proposes to cut approximately 600,000 cubic yards of material from the 12.8 acre portion of the 40 acre site proposed for the waterway of the marina. Dirt/material is proposed to be relocated to other areas on site and to an area within the existing Belle Acres PUD on the south side of Mill Creek. Dredging of the Mill Creek channel will provide an average channel depth of seven feet and an average marina depth of 10 feet.

Stormwater Management - The applicant was granted approval by the Metro Stormwater Management Committee on December 19, 2002, "To allow the disturbance of the existing Mill Creek floodway and floodway buffer to accommodate the proposed development as shown on the plan of record. To allow the disturbance of the proposed floodway buffer as shown on the plan of record."

On May 22, 2003, the Stormwater Management Committee approved with conditions the applicant's request to allow uncompensated cut-and-fill.

Follow-up questions from May 22, 2003: The Commission requested further information regarding erosion controls and other issues from the Metro Water Service Dept.

Q1. What erosion control measures will be required? This includes during construction and during the operation of the marina. What role does Water Services play and what role do the other reviewing agencies have, like the Corp of Engineers, TDEC, etc?

A1. As per section 2.7 of the Stormwater Management Manual they will be required to conduct their development in a manner that minimizes soil erosion and resulting sedimentation in keeping with Metro's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. As to the specific requirement of this plan it is too early to speak as no final plans have yet been prepared. This would be for construction only as the only feature that would have a binding maintenance agreement would be a water quality feature which would address pollutants from the site, not strictly erosion. Water Services would see that the Stormwater Regulations were applied and enforced. Other agencies such as the Corp of Engineers, TDEC, etc would have other guiding regulations that they would be responsible for.

Q2. What kind of review does Water Services provide for this kind of project? Does Water Services review only for stormwater management issues, or do they review for potential erosion and stabilization problems that may occur?

A2. The same as it would for any project. It would be reviewed for stormwater management issues as it would also be review in Water Services for water supply issues and sewer service issues. It would also be reviewed for traffic and roadway issues at Public Works. The Corp of Engineers would have environmental and navigation issues to be concerned with. TDEC would also have environmental issues.

Q3. Is there an existing sewer pipe running through Mill Creek that will have to be relocated?

A3. Possibly. The report claims that a 70 foot wide channel would be available at a 375 elevation. Our record drawing indicates to achieve that might interfere with our existing sewer line. At present the applicant has made no proposals to relocate the line.

Q4. Are there any bank stabilization requirements on the south side of Mill Creek next to the existing and proposed residential uses? Are there above-ground and underground stabilization requirements?

A4. Not from this Department. The Corps of Engineers has some requirements for that and we have been approached for an exemption from our rules to place rip-rap in the buffer area. That was granted with an exemption for fill for the development. There can be both types of stabilization techniques but as to what is required you would need to ask the Corps of Engineers.

Corps of Engineers - The Corps of Engineers has indicated that they do not have any rules or regulations that would limit the number of boats slips within the marina. The Corps of Engineers will require the developer to obtain a 404 Permit, however, which is “a program to regulate the discharge of dredge and fill material into waters of the United States.” Bank stabilization measures and erosion control measures are considered with the 404 Permit. The Corps will also require a “Section 10” permit, which is associated with their oversight of the navigable channel.

STAFF RECOMMENDATION - Staff is recommending conditional preliminary PUD approval with conditions including requiring Corps of Engineer’s approval prior to final PUD approval. The applicant will be required to obtain all permits required by the Corps of Engineers prior to final PUD approval. The applicant will be required to obtain a conditional letter of map revision from FEMA, and a 401 Water Quality Certification permit from the Tennessee Department of Environment and Conservation (TDEC), as well.

Plan Design - The PUD plan is designed with the buildings oriented toward the marina (Mill Creek). Staff is recommending conditional approval with a condition that the final site design for the outparcel and the corner of the commercial building facing Lebanon Pike be subject to design modifications to orient the buildings toward Lebanon Pike with any final PUD submittal for these portions of the plan.

Property Owners Signatures - Since this plan will require off-site dredging and dredging of properties within or adjacent to the Mill Creek waterway, additional signatures of adjacent property owners will be required. Prior to adoption of the Preliminary PUD plan by the Metro Council, the applicant will be required to obtain signatures from the owners of the following parcels: Map 84, Parcel 12, Map 94, Parcel 16, Map 95-01 Parcel 69, Map 95-06, Parcel 6.01, and Map 95-02, Parcel 137.

New Conditions Prior to final PUD approval by the Planning Commission, the applicant must obtain signatures on the final PUD plan, or a letter indicating approval of the plan, from the owners of any property that is identified as affected property in any permit issued by the Department of the Army or Tennessee Department of Environment and Conservation.

Additionally, prior to final PUD approval by the Planning Commission, the applicant must provide proof that all final permits required by the Department of the Army and Tennessee Department of Environment and Conservation have been issued by those agencies for disturbance of the Mill Creek.

Greenway/Conservation Easement - The proposed plan provides a “Conservation/Greenway public access trail easement area” through the development. The Metro Greenways Commission has approved the proposed design that provides a trail from the Cumberland River to Lebanon Pike, including a pedestrian bridge from the marina area to the Belle Acres PUD. This will be conditioned upon the applicant providing construction details of the trail with the final PUD. The trail standards must be approved by the Metro Greenway Commission at the final PUD stage.

TRAFFIC - The plan proposes private driveways throughout the development, while several changes are proposed at the entrance at Lebanon Pike. A new traffic signal is proposed at this intersection, as well as a westbound right-turn lane and an eastbound left-turn lane.

Traffic Engineer’s Recommendation - See traffic conditions below.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Water Services and Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
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 prior to the issuance of any building permits.
4. Prior to adoption of the Preliminary PUD plan by the Metro Council, the applicant will be required to obtain signatures from the following property owners: Map 84, Parcel 12, Map 94, Parcel 16, Map 95-01 Parcel 69, Map 95-06, Parcel 6.01, and Map 95-02, Parcel 137.
5. Prior to final PUD approval by the Planning Commission, the applicant must obtain signatures on the final PUD plan, or a letter indicating approval of the plan, from the owners of any property that is identified as affected property in any permit issued by the Department of the Army or Tennessee Department of Environment and Conservation.
6. The final site design for the out parcel and the corner of the commercial building facing Lebanon Pike must be modified to orient the buildings toward Lebanon Pike with any final PUD submittal for these portions of the plan.
7. Prior to final PUD approval by the Planning Commission, the applicant must provide proof that all final permits required by the Department of the Army and Tennessee Department of Environment and Conservation have been issued by those agencies for disturbance of the Mill Creek.
8. The final PUD plan shall indicate the construction details of the trail. The trail standards must be approved by the Metro Greenway Commission, prior to submittal of the final PUD plan.
9. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
10. Construct a left turn lane on Lebanon Road for cars entering project site. Include 200' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
11. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
12. Construct a minimum of 869 parking spaces.
13. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
14. Construct one access road to the outparcel from main project road. One lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
15. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

Approved with conditions (8-0)

[See below for public hearing and Commission discussion. Zone Change Proposal No. 2001Z-060U-14, PUD 2003P-007U-14, and PUD 36-76-G-14 were heard on Public Hearing and discussed by the Commission together.]

- 3. 36-76-G-14**
Belle Acres, Section 2
Map 95-02, Parcel 137
Subarea 14 (1996)
District 15 (Loring)

A request to revise the preliminary plan of the Residential Planned Unit Development located abutting the north margin of Lebanon Pike at Mill Creek, classified RS10, (34.12 acres), to permit the development of 74 multi-family units, originally approved for 333 residential units, current preliminary plan approved for 134 units, 55 residential units currently existing, requested by Dale and Associates, for David Taylor, owner.

Staff Recommendation - *Approve with conditions as an amendment*

APPLICANT REQUEST

Revised Preliminary - The applicant has requested a revision to a portion of the preliminary plan of the Residential PUD district to permit the addition of 74 multi-family units for a total of 209 units in Section 2, where the original plan was approved for 303 units by the Metro Council.

At the May 22, 2003 Planning Commission meeting, the Commission indicated that this application should be treated as an amendment due to the scope of the proposed changes. Under Section 17.40.120G2a of the Zoning Code, the Planning Commission determines if a proposed change is to be considered a revision or an amendment, requiring Metro Council approval.

Proposed Zoning

RS10/Res. PUD - RS10/Res.PUD property has a base zoning of RS10 currently, while the Metro Council adopted a PUD overlay in 1976. Section 1 included single-family homes, while Section 2 was approved for multi-family development.

PLAN DETAILS

The proposed plan adds 74 multi-family units to an area of the plan originally slated for development, but subsequently revised for open space.

Stormwater Management - This proposal maintains the required 50-foot floodway buffer, while it proposes development in the floodplain. Approximately 95% of Section 2 is encumbered by floodplain. Under the current floodplain regulations 50% of the floodplain area is to be preserved in a natural state, unless previously disturbed. Since this site has previously been disturbed, the recently adopted floodplain ordinance will not be applicable.

Greenway/Conservation Easement - The proposed plan provides a "Conservation/Greenway public access trail easement area" through the development. The Metro Greenways Commission has approved the proposed design that provides a trail from western end of the property line to the bridge at Lebanon Pike. The Greenway Easement will also connect to the proposed marina on the north side of the property by way of a new pedestrian bridge proposed in the marina development.

TRAFFIC - A left-turn and right-turn lane have been constructed on Lebanon Pike into the project entrance with the development of Phase 1 of Section 2.

Traffic Engineer's Recommendation - No exception taken.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
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 prior to the issuance of any building permits.
4. Prior to the issuance of any grading or building permits for this proposal, the Metro Council must approve PUD proposal 2003P-007U-14 for the Cumberland Yacht Harbor since the fill dirt required to elevate this site above the 100 year floodplain will come from that site on the other side of Mill Creek.
5. Any future final PUD plans for Section 2 must include a "Conservation/Greenway Public Access trail easement area" from the western property line to the eastern property line, as required by the Metro Greenway Commission.

Mr. Leeman stated staff recommends approval with conditions.

Mr. Hoyt Eakes, 149 Barker Road, spoke in favor of the proposed development.

Mr. Dave Borders, 2129 June Drive spoke in opposition of the proposed development due to the construction noise, and the proposed new development would be encroaching his property.

Mr. John Winchester, 300 Peabody Drive, spoke in favor of the proposed development. Expressed that the development will enhance the opportunities of the area.

Ms. Diane Douska, 224 Bermuda Drive, spoke in opposition to the project. Requested residents be given additional time to gather more information, resolve concerns with possible endangered species (crawfish that live in Mill Creek) and stated area is not large enough for the magnitude of the project.

Mr. Mike Joyce, 249 Donelson Hills Drive, spoke in favor of the development.

Ms. Bobby Jean Frost, 2137 June Drive, spoke against the development. She expressed concerns regarding the size of the proposed building, additional traffic issues, blasting concerns as well as the safeguard of the wildlife in the area.

Mr. Richard Keana, 122 Quinn Circle, supports the project, claiming it will be a huge tax base and will improve the Metro area.

Mr. Tom White, attorney, requested the conditions be reviewed and revised.

Mr. Harpeth, Civil Engineer stated residents will look over buildings, not at them, and cited no found proof of endangered crawfish in Mill Creek area.

Mr. Jim Varallo, 425 Beacon Drive, Partner of Builder, spoke in favor of the project.

Ms. Janet McDowell, 2133 June Dr., spoke in opposition of the project. Concerns included the size of the proposed building and if the project discontinues, how land would be returned to present state.

Ms. Elizabeth Murphy spoke on behalf of several residents in Donelson opposing the project. Ms. Murphy expressed many geotechnical issues regarding the development.

Ms. Dahli Perez, 203 Lisa Lane, property owner of parcel 29, spoke against the development, with concerns regarding the dredging of her property.

Mr. Clayton McDowell, 2124 June Drive, spoke in opposition of the project and asked that the item be deferred so that property owners could further review the development.

Ms. Betty Blackwell, a resident of Donelson, spoke in favor of the project

Mr. Bill Harris, 2117 June Drive, spoke in favor of the development.

Mr. McLean requested additional information from staff, regarding the river dredging that would take place during the development.

Ms. Cummings expressed concerns regarding the buffer zones and asked for clarification on the floor elevations of the proposed building.

Mr. Tyler remarked that if this project is consistent with the General Plan, then it should move forward, but expressed traffic flow concerns.

Mr. Sweat expressed concerns regarding the dredging of the properties in the area and asked about policing of this area. Information was offered that the Tennessee Wildlife Resources Agency would assume the responsibilities of policing this area.

Mr. Small congratulated the staff on their tremendous work on this project. He is comfortable with the info provided and is in favor and ready to move forward on this issue. He asked the property owners who will be affected by the dredging be noted.

Councilman Summers requested additional information regarding the land use of the project and the results of the project if it were to fold.

Mr. Clifton expressed concerns regarding the magnitude of the project as well as the end product of the rezoning if the project were not to succeed.

Mr. McClean moved and Mr. Sweat seconded the motion to approve with the condition that this is a revision, not an amendment PUD. (8-0)

Approved with conditions as a revision, not an amendment. (8-0)

Resolution No. 2003-229

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-060U-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

The following conditions have been made part of the council bill and should be bonded or completed prior to final plat recordation.

1. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
2. Construct a Left turn lane on Lebanon Road for cars entering project site. Include 200' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
3. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
4. Construct a minimum of 869 parking spaces.
5. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
6. Construct one access road to outparcel from main project road. One lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.

7. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.”

Resolution No. 2003-230

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-007U-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Water Services and Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
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 prior to the issuance of any building permits.
4. Prior to final PUD approval by the Planning Commission, the applicant must obtain signatures of all affected property owners, which may be determined by reference to the Corps. of Engineer's 404 Permit, or other permitting agencies permits.
5. The final site design for the out parcel and the corner of the commercial building facing Lebanon Pike must be modified to orient the buildings toward Lebanon Pike with any final PUD submittal for these portions of the plan.
6. Prior to final PUD approval by the Planning Commission, the applicant must provide proof that all final permits required by the Department of the Army and Tennessee Department of Environment and Conservation have been issued by those agencies for disturbance of the Mill Creek.
7. The final PUD plan shall indicate the construction details of the trail. The trail standards must be approved by the Metro Greenway Commission, prior to submittal of the final PUD plan.
8. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
9. Construct a left turn lane on Lebanon Road for cars entering project site. Include 200 ' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
10. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
11. Construct a minimum of 869 parking spaces.
12. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.

13. Construct one access road to the outparcel from main project road. One lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
14. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.”

Resolution No. 2003-231

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 36-76-G-14 is **APPROVED WITH CONDITIONS AS A REVISION, NOT AN AMENDMENT. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to the issuance of any grading or building permits for this proposal, the Metro Council must approve PUD proposal 2003P-007U-14 for the Cumberland Yacht Harbor since the fill dirt required to elevate this site above the 100 year floodplain will come from that site on the other side of Mill Creek.
5. Any future final PUD plans for Section 2 must include a “Conservation/Greenway Public Access trail easement area” from the western property line to the eastern property line, as required by the Metro Greenway Commission.”

4. **2003Z-080U-12**
Council Bill No. BL2003-1486
Map 162, Parcel 55
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RM20 district property located at 91 Tusculum Road along the south margin of Tusculum Road at Benzing Road, (4.45 acres), requested by Gary Batson, agent for Janie Broadhead, owner. (Deferred from meeting of June 12, 2003).

Staff Recommendation - Disapprove RM20 but approve RM9

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

Existing Zoning

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

Proposed Zoning

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

SUBAREA 12 PLAN POLICY

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

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

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

RECENT REZONINGS - None.

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

TRAFFIC ENGINEER’S COMMENTS

At its June 12 meeting, the Commission requested that the Metro Public Works Department further review the traffic conditions at this location and make additional recommendations. Following that request, the Department provided the following recommendation: “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 Department further noted that the proposed zoning is relatively small and that no current traffic counts are available for the intersection. Visual observations of the intersection, however, indicate that Old Benzing Road it is a low-volume residential street connection with Tusculum Road and that the current level of service appears acceptable.

Public Works representatives stated they were unable to give specific recommendations without a final site development plan and possibly a Traffic Impact Study. It was indicated to staff, however, that Public Works may require the following with any such development:

1. Access on [Old] Benzing Road as far from the intersection with Tusculum Road as possible;
2. Dedication of right-of-way to at least 50-feet, if not already existing on either street;
3. Improvements to the alignment of [Old] Benzing Road and Tusculum Road; and
4. Improvements to the cross-section of [Old] Benzing Road along the property’s frontage on that road.

SCHOOL STUDENTS GENERATED 6 Elementary 4 Middle 4 High

Schools Over/Under Capacity - Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three schools have been identified as overcrowded by the Metro School Board.

Mr. Randy Reed stated that staff recommends a conditional approval of Zone Change Proposal 2003Z-080U-12.

Mr. Gary Batson, Project Engineer, spoke in favor of this project. He also indicated that a meeting with homeowners would take place next week.

Mr. Albert Lincoln, Tusculum Road resident, expressed concerns regarding the traffic issues that would be generated by this project, and stated that Councilman representation on this project was not available.

Ms. Janice Fagon, Tusculum Road, spoke in opposition of the project due to the blasting issues as well as the property value of her home.

Mr. McLean moved and Ms. Cummings seconded the motion to disapprove RS20 and approve RN9. (8-0)

Resolution No. 2003-232

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-080U-12 is **DISAPPROVED FOR RS20, BUT APPROVED FOR RN9. (8-0)**”

- 5. 2003Z-033U-14**
Council Bill No. BL2003-1467
Map 96-09, Portion of Parcel 54
Subarea 14 (1996)
District 15 (Loring)

A council bill to change from R10 district to CL district property at 312 Donelson Pike, abutting the western margin of Donelson Pike, (1.19 acres), requested by David A. Coode of Lose and Associates, applicant, for Reese L. Smith, III, et al and R & S Rental Properties, LLC.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.19 acres from residential (R10) to commercial limited (CL) district property at 312 Donelson Pike, between Donelson Pike and Seneca Drive.

Existing Zoning

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

Proposed Zoning

CL district - Commercial Limited (CL) is intended for a wide range of commercial uses including, retail, consumer service, financial, 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.

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

Policy Conflict - No. The CL district is consistent with the CAE and CMC policies as “this district may be used in areas policed for concentrations of mixed commercial development.” Because this area falls within the airport noise contours, the Subarea 14 Plan calls for this area to transition to commercial uses over time.

This area along Donelson Pike has been transitioning to commercial and is already commercial in many places. The properties from McCampbell Avenue to Emery Drive on the east side of Donelson Pike are currently zoned CL, while there are 6 parcels on the west side of Donelson Pike zoned non-residential currently.

RECENT REZONINGS

The Planning Commission approved CL zoning on parcel 55 to the south in 1999.

TRAFFIC - Based on typical uses in the CL zoning, this proposal will generate 2,798 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Approved (8-0), Consent Agenda

Resolution No. 2003-233

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-033U-14 is **APPROVED. (8-0)**”

6. **2003Z-048U-13**
Council Bill No. BL2003-1381
Map 135, Parcels 163 and 146
Subarea 13 (1996)
District 13 (Derryberry)

A council bill to change from R20 district to RM9 and IWD districts properties at 1792 Reynolds Road and Smith Springs Road (unnumbered), abutting the northern margin of Smith Springs Road and the eastern margin of Reynolds Road, (40.27 acres), requested by J. E. Stevenson, applicant, for J. E. Stevenson, Trustee and Charles F. and Joyce L. Galbreath, owners. (Re-referred from June 3, 2003 Metro Council meeting).

Staff Recommendation - *Disapprove as amended.* The current request is to remove condition 2 which restricts industrial traffic to Reynolds Road. A replacement condition has been proposed by Councilman Derryberry requiring that all traffic, both industrial and residential, use Smith Springs Road as the sole access. This proposal is not in keeping with the intent of the Subarea 13 plan which clearly states industrial traffic is not to have access through the Smith Springs Road residential area. Furthermore, the plan envisions that the Reynolds Road area will develop as industrial in the future and that Smith Springs Road will remain primarily residential.

APPLICANT REQUEST - Rezone 40.27 acres from Residential (R20) to (RM9) and Industrial Warehousing/Distribution (IWD), at 1792 Reynolds Road and Smith Springs Road (unnumbered), abutting the northern margin of Smith Springs Road and the eastern margin of Reynolds Road.

Existing Zoning

R20 district - R20 zoning is intended for single-family homes and duplexes at 1.85 units per acre.

Proposed Zoning

RM9 district - RM9 zoning is intended for multi-family units at 9 units per acre.

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

SUBAREA 13 PLAN POLICY

Residential Medium (RM) - RM policy allows four to nine dwelling units per acre.

Policy Conflict - Partial. The policy shown on the Land Use Policy Map is RM. RM permits 4 to 9 dwelling units per acre and supports the requested RM9 zoning.

There is additional text in the Subarea 13 plan that endorses some IWD policy in this area, “Those properties that are oriented away from Smith Springs Road and drain to the north are considered to be within the adjoining industrial policy area 14E.” However, the orientation away from Smith Springs Road applies to traffic in addition to land use, “Industrial traffic from the adjacent Industrial Policy area (14E) should not have access to Bell Road and Murfreesboro Pike through this residential area.”

It appears that the topography breaks approximately 850 feet from Smith Springs Road and the land drains to the north. To comply with the above text, the request would need to be redrawn to include the additional area (approximately 7 acres) up to the break.

RECENT REZONINGS - An application for MUL and CS (Council Bill 2003-1326) was before the Planning Commission on February 13, 2003 (Disapproved 8-0). The bill failed at Council on March 4, 2003.

TRAFFIC - Based on typical uses in RM9, this proposed zoning would generate approximately 332 to 376 trips per day. Typical uses in the IWD would generate 2,142 to 8,258 trips per weekday (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - The Public Works Department has indicated they can do no further review of this item without additional information. No Traffic impact study has been submitted.

SCHOOLS

Students Generated 4 Elementary 3 Middle 2 High

Schools Over/Under Capacity - If the property were developed under the proposed zoning, 9 students would be generated. Students would attend Una Elementary, Apollo Middle School and Antioch High School. All schools have been identified as overcrowded by the Metro School Board.

CONDITIONS

1. A condition has been added to the bill that a detailed traffic impact study has been approved by the Metro Traffic Engineer in conjunction with and subdivision or development application.
2. A condition needs to be added to the bill that limits access to the IWD property from Reynolds Road only in order to avoid the residential area of Smith Springs Road.
3. Approximately 7 additional acres (for a total of approximately 13 acres) has been added to the area to be rezoned to RM9, rather than IWD, in order to comply with the Subarea 13 plan. This is now reflected in the Council Bill.

Note: These conditions are all contained in the bill currently pending in the Metro Council. Councilman Derryberry has requested Commission review of a proposal to remove condition #2.

Ms. Fuller stated that staff recommends disapproval of this amendment.

Ms. Sharon Eads, 1750 Reynolds Road, spoke in opposition to this proposal, expressing concerns regarding the traffic impact generated by the project and that the roads need to be wider to accommodate the development.

Ms. Nancy Szostak, also a resident of Reynolds Road, spoke in opposition to the project because of the width of the road.

Mr. Jon Young, R.E. Broker, representing residents of 1764 & 1772 Reynolds Road, spoke in favor the project.

Mr. Raymond Dalton, 1794 Reynolds Road, spoke against the project due to narrow roads and possible truck traffic.

Councilwoman Janice Sontany expressed her concerns that Reynolds Road is too narrow to accommodate truck traffic, and also indicated she does not support the traffic emptying out on Smith Springs Road.

Councilman Derryberry also spoke to the Commission at this time. He too expressed concerns regarding the traffic flow on Reynolds road.

The Commission discussed the subarea plan for this area, questioning the development opportunities available if area was improved, and whether plans were in the process to wide Reynolds Road. .

Mr. Small moved and Mr. Tyler seconded the motion to approve staff recommendation (see below). (8-0)
[Disapprove as amended. The current request is to remove condition 2 which restricts industrial traffic to Reynolds Road. A replacement condition has been proposed by Councilman Derryberry requiring that all traffic, both industrial and residential, use Smith Springs Road as the sole access. This proposal is not in keeping with the intent of the Subarea 13 plan which clearly states industrial traffic is not to have access through the Smith Springs Road

residential area. Furthermore, the plan envisions that the Reynolds Road area will develop as industrial in the future and that Smith Springs Road will remain primarily residential.]

Resolution No. 2003-234

“BE IT RESOLVED by the Metropolitan Planning Commission that the proposed amendment to Zone Change Proposal No. 2003Z-048U-13 is **DISAPPROVED AS AMENDED. (8-0)**

Councilmember Summers left the MPC meeting at 6:30 p.m.

7. **2003Z-050U-08**
 Council Bill No. BL2003-1446
 Map 92-10, Parcels 193, 197, 200, 201 and 202
 Subarea 8 (1995)
 District 21 (Whitmore)

A council bill to change from R6 district to OL district properties at 2800, 2802, 2804, 2902, and 2910 Felicia Street, abutting the northern margin of Felicia Street, (0.82 acres), requested by Andrea Hayes of Hayes Endocrine and Diabetes Center, applicant, for Willie Stallworth, Gregg Poole, and Richards Builders of Tennessee, LLC.

Staff Recommendation - *Approve rezoning of parcels 200, 201, and 202, but disapprove rezoning parcels 193 and 197 and recommend that the council bill be amended to remove parcels 193 and 197.*

APPLICANT REQUEST - Rezone 0.82 acres from residential single-family and duplex (R6) to office limited (OL) properties at 2800, 2802, 2804, 2902, and 2910 Felicia Street.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 8 PLAN POLICY

Neighborhood General (NG) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single-family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.

Transition or Buffer (Draft Detailed Neighborhood Design Plan) - The draft detailed neighborhood design plan for the McKissack Park area is scheduled to be presented to the Commission on July 10, 2003. This plan designates this area as a transition or buffer area between the existing residential neighborhood and the warehouse/storage facility on parcel 206 to the south.

Policy Conflict - Without a detailed neighborhood design plan, the Subarea 8 Structure Plan calls for this area to remain predominantly residential in character. However, the draft Detailed Neighborhood Design Plan for McKissack Park allows for OL zoning if done in a comprehensive manner. This proposal includes three parcels on the corner of 28th Avenue N. and two parcels that are not contiguous along Felicia Street. Since the proposed OL district is consistent with the intent of the Subarea 8 Plan’s Transition policy calling for small offices, staff recommends approval of the three parcels along 28th Ave N., but not the two non-contiguous parcels along Felicia Street. Staff recommends that the Council bill be amended to remove parcels 193 and 197.

RECENT REZONINGS - No.

TRAFFIC - Based on typical uses in the OL zoning, approximately 89 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - No exception taken.

CONDITIONS

The Council bill should be amended to delete parcels 193 and 197 on tax map 92-10.

Mr. McLean moved and Mr. Sweat seconded the motion, which unanimously carried, to place Item #7, 2003Z-050U-08 back on the consent agenda. (8-0)

Approved rezoning of parcels 200, 201 and 202, but disapproved rezoning 193 and 197, and recommended the council bill be amended to remove parcels 193 and 197. (8-0), Consent Agenda

Resolution No. 2003 –235

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-050U-08 is **APPROVED FOR REZONING OF PARCELS 200, 201 AND 202, BUT DISAPPROVED REZONING FOR 193 AND 197, AND RECOMMENDED COUNCIL BILL BE AMENDED TO REMOVE PARCELS 193 AND 197. (8-0).**

-
- 8. 2003Z-051G-06**
Council Bill No. BL2003-1420
Map 169, Parcel 55
Subarea 6 (2003)
District 35 (Tygard)

A council bill to change from CL district to CS district property at Highway 100 (unnumbered), abutting the southern margin of Highway 100, (0.51 acres), requested by D. E. Ryan, owner.

Deferred Indefinitely (8-0)

-
- 9. 2003Z-081G-14**
Council Bill No. BL2003-1442
Map 108, Portion of Parcel 53
Subarea 14 (1996)
District 14 (Stanley)

A council bill to change from RS10 district to MUL district a portion of property at 3128 Elm Hill Pike, north of the terminus of Trail's End Lane, (1.64 acres), requested by Greg Eatherly, applicant/owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST -Rezone 1.64 acres from residential (RS10) to mixed use limited (MUL) at 3128 Elm Hill Pike.

Existing Zoning

RS10 zoning - 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.

Proposed Zoning

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

SUBAREA 14 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 RM policy allows for a variety of housing types, with a density of four to nine dwelling units per acre. The proposed MUL district allows multiple uses, to including office, retail and restaurant, which are inconsistent with the RM policy. Under the MUL zoning, approximately 70 apartments could be developed if this parcel were developed as residential. This assumes each multi-family unit has 1,000 square feet of floor area.

The surrounding development includes single-family to the north and east, duplexes to the south and west and a residential PUD that has some multi-family units to the west. There is no commercial development or zoning in this area. This area is built at a medium density with a variety of housing types.

The MUL district is the least intense zone district that would allow the applicant to build a daycare for more than 75 children at this particular location. One of the conditions of sale for this property is that a daycare, and not housing, be developed on this site. However, MUL does allow for commercial development and that is not consistent with the policy for the area.

RECENT REZONINGS - No.

TRAFFIC - Based on typical uses in MUL district, this proposed zoning could generate between 339 for day care uses (75 students) and 2,888 vehicle trips per day if developed as retail. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer's Findings - Approve

SCHOOLS

Students Generated 8 Elementary 5 Middle 4 High School

Schools Over/Under Capacity - Students will attend Hickman Elementary School, Donelson Middle School, and McGavock High School. Hickman Elementary School and Donelson Middle School have been identified as overcrowded by the Metro School Board.

This information is based upon 2002-03 data from the school board.

Ms. Abby Scott presented information and stated that staff recommends disapproval.

Mr. Greg Eatherly, resident of Elm Hill Pike, spoke in favor of this item.

Councilman Derryberry addressed the Commission and spoke in favor of this proposal.

Mr. Small commented on the proposed land use of this project.

Mr. Clifton discussed the land use of the project and was in favor of the use being a daycare center.

Mr. Lawson commented also on the use of the land on this proposal.

Mr. Small moved and Ms. Cummings seconded the motion to disapprove; vote did not carry.

Mr. McClean moved and Mr. Clifton seconded the motion to approve; vote did not carry.

Chairman Lawson moved and Mr. Small seconded the motion to disapprove. (4-3)

Resolution No. 2003-236

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-081G-14 is **DISAPPROVED. (4-3)**”

- 10. 2003Z-083G-08**
Council Bill No. BL2003-1436
Map 70-16, Parcel 18
Subarea 8 (1995)
District 20 (Haddox)

A council bill to change from IWD district to MUG district property at 220 French Landing Drive, approximately 350 feet east of French Landing Drive, (2.00 acres), requested by Bob Nash, agent for Bob and Michael Real Estate Partnership.

Staff Recommendation -Disapprove zone change from IWD district to MUG district and approve zone change from IWD district to MUL district. Recommend Council Bill be changed from MUG to MUL.

APPLICANT REQUEST - Rezone 2.0 acres from industrial warehousing/distribution (IWD) to mixed use general (MUG) at 220 French Landing Drive.

Existing Zoning

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

Proposed Zoning

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

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

ZONE CHANGE DETAILS - Staff recommends approval of a zone change from IWD district to MUL district. The requested MUG district, however, is not permitted under the Neighborhood Urban policy. MUL district is permitted and will allow the applicant to comply with the land use policy while still receiving a zone change that will allow the intended expansion of the existing business.

SUBAREA 8 PLAN POLICY

(NU) Neighborhood Urban - NU is intended to apply to existing areas with a diverse mix of residential and nonresidential uses that are envisioned to remain as such, and for emerging and future areas where a similar mix of development is planned. NU areas include single- and multi-family residential and civic and public benefit activities.

Policy Conflict - The NU policy allows the MUL district with an associated PUD and arterial street frontage. This parcel is already developed and this request would allow additional uses with an expansion to the existing building.

Standard Policy 2, RE: Nonconforming Development, Chapter Three, Subarea Eight Plan Policy allows for the consideration of proposals in which “(1) the currently applicable land use regulations allow development that is not in conformance with the ‘structure plan’ and (2) the proposed change would apply regulations that would move toward conformance with respect to both the types and intensity of development intended in that ‘structure plan area’ based on the provisions in Table 12.” (Table 12 outlines the appropriate uses in this area).

This proposal is to change from a non-conforming zoning district in terms of policy to a zoning district that is closer to the type and intensity of development listed in the subarea plan.

RECENT REZONINGS - Yes. On May 5, 1999, the Planning Commission recommended approval of a zone change (99Z-070U) request for parcel 10, Great Circle Road. On August 11, 1999, the Metro Council approved a

rezoning of this property located to the north from IWD to MUG. This request was consistent with the subarea plan at that time.

TRAFFIC - Based on typical uses in MUG district approximately 1,053 to 2,877 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Based on typical uses in MUL district approximately 22 to 576 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer’s Findings - Approve

SCHOOLS

Students Generated	<u>28</u> Elementary	<u>18</u> Middle	<u>14</u> High
For MUG district			

Schools Over/Under Capacity - Students will attend Andrew Jackson Elementary School, Dupont-Hadley Middle School, and McGavock High School. Andrew Jackson Elementary and Dupont-Hadley Middle School has been identified as being overcrowded by the Metro School Board.

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. This information is based upon 2002-03 data from the school board.

Students Generated	<u>9</u> Elementary	<u>6</u> Middle	<u>5</u> High
For MUL district			

Schools Over/Under Capacity - Students will attend Andrew Jackson Elementary School, Dupont-Hadley Middle School, and McGavock High School. Andrew Jackson Elementary and Dupont-Hadley Middle School has been identified as being overcrowded by the Metro School Board.

The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area. This information is based upon 2002-03 data from the school board.

Ms. Abby Scott stated staff recommends disapproval of zone change from IWD to MUG and approve from IWD to MUL district.

Mr. Michael Cartwright, 220 Venture Circle spoke in favor of the development

Mr. Ted Kromer, 227 French Landing Drive, spoke in opposition to the zoning changes (MUL).

Mr. Jimmy Webb, 545 Mainstream Drive, spoke in opposition to the proposed zoning changes.

Mr. Sweat commented that residential zoning is inappropriate for this area.

Mr. Lawson stated that the Commission could possibly utilize a plan amendment to this proposal.

Mr. Lawson and Mr. Bernhardt discussed the North Nashville Area and the rezoning issues.

Mr. McLean commented on the MUL for this area.

Mr. Clifton questioned the technical issues of the Council and the origin of the bill.

Mr. Sweat moved and Mr. McLean seconded the motion to disapprove and recommended a re-referral to MPC. (7-0)

Resolution No. 2003-237

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-083G-08 is **DISAPPROVED, AND RECOMMENDED AS A RE-REFERRAL TO THE PLANNING COMMISSION.(7-0)**”

- 11. 2003Z-084U-10**
Council Bill No. BL2003-1449
Map 92-15, Parcels 98, 99 and 208
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from ORI and CS districts to MUG district properties at 2214 Elliston Place, 203 Louise Avenue, and Elliston Place (unnumbered) on the northwest corner of Louise Avenue and Elliston Place, between 22nd and 23rd Avenue, (.79 acres), requested by Horace Spoon, agent for Mark Mason, owner.

Staff Recommendation -*Approve*

APPLICANT REQUEST - Rezone 0.79 acres from office/residential intensive (ORI) and commercial services (CS) to mixed use general (MUG) district property at 203 Louise Ave., 2214 Elliston Place, and Elliston Place (unnumbered), north of West End Avenue.

Existing Zoning

ORI district - Office/Residential Intensive (ORI) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities. ORI allows an F.A.R. of 3.00.

CS district - Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses. CS allows an F.A.R. of 0.60.

Proposed Zoning

MUG district - Mixed Use General (MUG) zoning is intended for a moderately high intensity mixture of residential, retail, and office uses. MUG allows an F.A.R. of 3.00.

SUBAREA 10 PLAN POLICY

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

Area 8A Policy - This area contains Elliston Place and Hillsboro Village. “Both of these areas are intended for less intensive mixed-use development patterns. . . . In the section of 8A containing Elliston Place, it is recommended that the existing scale of buildings and types and variety of uses be maintained. This recommendation is especially noteworthy given the intensity of use recommended for the MU policy area it abuts.”

Policy Conflict - Yes. MUG allows for moderately high intensity development. The subarea plan calls for a less intensive MU policy in this area. MUG allows a Floor Area Ratio (FAR) of 3.00 and a maximum height at the setback line of 65-feet, while MUL would allow for an FAR of 1.00 and maximum height at the setback line for MUL is 30-feet. Surrounding zoning is ORI, which allows an FAR and maximum height at the setback line consistent with MUG zoning.

Although the subarea plan calls for a less intensive mixed use zoning, MUG is in keeping with the existing density and scale of buildings that is permitted by the ORI zoning that applies to a portion of this property and to the majority of the surrounding area. MUG also allows the mixture of uses that are encouraged under the MU policy that applies in this area. Unless the Subarea policy for this area changes, however, then MUG and similar intensity zoning districts should not be allowed in the future any further to the east on Elliston Place.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in MUG, this proposed zoning could generate approximately 684 vehicle trips per day if developed as residential uses, 1,137 trips if developed as office uses, and 4,199 trips if developed as retail uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - This zone change request may have conditions or we may require a TIS once the future development plans are submitted.

SCHOOLS 7 Elementary 6 Middle 5 High

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

*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. at an F.A.R. of 3.00.

Mr. McLean moved and Mr. Small seconded the motion to place Item #11 back on the consent agenda. (7-0)

Approved (7-0), Consent Agenda

Resolution No. 2003-238

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-084U-10 is **APPROVED. (7-0)**”

- 12. 2003Z-085U-10**
Council Bill No. BL2003-1479
Map 105-09, Parcel 51
Subarea 10 (1994)
District 17 (Greer)

A request to change from RM20 district to CS district property at Acklen Avenue (unnumbered) at the southern terminus of 13th Avenue between Wedgewood Avenue and Acklen Avenue, (.68 acres), requested by Robert Gowen, applicant, for Tarver Properties Inc., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 0.68 acres from residential multi-family (RM20) to commercial services (CS) at Acklen Avenue (unnumbered).

Existing Zoning

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

Proposed Zoning

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

SUBAREA 10 PLAN POLICY

Residential Medium (RM) - RM policy is intended for residential development at 4 to 9 dwelling units per acre. The intent of the policy is to conserve the existing residential character of the neighborhood.

Policy Conflict - No. There is existing CS zoning along 12th Avenue South and the subarea plan recognizes existing local retail convenience nodes in the area and recommends these areas be “conserved and revitalized.” The subarea plan also states, “these locations are not, however, considered suitable for commercial expansion into surrounding residential areas.”

This application is to change the zoning on property that is currently vacant, not residential in use, and only accessible by an alleyway. The consolidation of this vacant lot with one or more of the existing parcels along 12th Avenue South that are zoned CS will provide direct access to this lot and not intrude into the surrounding residential areas. This zone change would serve as the limit for zone changes to commercial districts in this area.

This property, which is owned by the Metropolitan Government, is the subject of Mandatory Referral 2003M-070U-10, which is also on the Commission’s agenda for June 26, 2003.

RECENT REZONINGS -None

TRAFFIC

Metro Traffic Engineer’s Findings -There may be conditions or a Traffic Impact Study requirement once the future development plans are submitted.

CONDITIONS

1. Prior to the issuance of any building permits, this parcel must be consolidated with one or more of the existing parcels along 12th Avenue South that are zoned CS.

[See item #33 for public hearing and Commission discussion. Zone Change Proposal No. 2003Z-085U-10 and Mandatory Referral 2003M-070U-10 were heard on Public Hearing and discussed by the Commission together.]

Approved with conditions (7-0)

Resolution No. 2003-239

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-085U-10 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. Prior to the issuance of any building permits, this parcel must be consolidated with one or more of the existing parcels along 12th Avenue South that are zoned CS.

-
13. **2003Z-086G-04**
Council Bill No. BL2003-1483
Map 51, Parcels 51-58 and 169
Subarea 4 (1998)
District 4 (Majors)

A request to change from OR40 and RM9 districts to ORI (6.43 acres) and OR20 (5.33 acres) districts properties located at 1310, 1314, 1318, and 1320 Briarville Road, Cheron Road (unnumbered) and Shields Lane (unnumbered), at the north side of Cheron Road (11.76 acres), requested by William Geiger, for Peak Returns Ltd.

Staff Recommendation - *Disapprove*

APPLICANT REQUEST - Rezone 11.76 acres from office/residential (OR40) and residential/multi-family (RM9) to office/residential (ORI) and office/residential (OR20) at 1310, 1314, 1318, and 1320 Briarville Road, Cheron Road (unnumbered) and Shields Lane (unnumbered).

Existing Zoning

RM9 zoning - Residential Multi-family (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

OR40 zoning - Office/Residential (OR40) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

Proposed Zoning

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

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

SUBAREA 4 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.

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. The predominant use in OC policy is office. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use.

Policy Conflict - Yes. The applicant is proposing OR20 zone district in the Residential Medium policy area. RM policy allows for a mix of housing types within a density range of four to nine dwelling units per acre. The proposed OR20 district allows up to 20 dwelling units per acre and office, retail and restaurant uses and is inconsistent with RM policy. The applicant indicates assisted living development may be a main focus. This use would be allowed in a less intense RM zone district that would also be consistent with the policy.

There is also a policy conflict with the proposed ORI zone district in the Office Concentration policy area. OC policy allows for residential development of at least 9 to 20 dwelling units per acre. The ORI zone district has a FAR (floor to area ratio) of 3.0. This allows three times the lot area in building square footage. If the ORI were developed as residential multi-family, 1,000 square foot apartments would allow approximately 130 dwelling units acre, far exceeding the allowable density of the OC policy.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in ORI district approximately 5,569 for apartments and 9,248 vehicle trips per day if developed as general office could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Based on typical uses in OR20 district approximately 1,233 for apartments and 2,047 vehicle trips per day for general office use could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer's Findings - A traffic impact study may be required with the submittal of any development plans for this property. If warranted by the study, then traffic conditions appropriate for the level of traffic to be generated by the development will be required as a condition of approval for the proposed development.

SCHOOLS

Students Generated 144 Elementary 106 Middle 79 High School
For ORI district

Schools Over/Under Capacity - If the property were developed under the proposed zoning Students will attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. Chadwell Elementary School and Gra-Mar Middle School have been identified as overcrowded by the Metro School Board.

The numbers for ORI zoning are based upon students that would be generated if the ORI 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. This information is based upon 2002-03 data from the school board.

Students Generated 32 Elementary 23 Middle 17 High School
For OR20district

Schools Over/Under Capacity - If the property were developed under the proposed zoning Students will attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. Chadwell Elementary School and Gra-Mar Middle School have been identified as overcrowded by the Metro School Board.

The numbers for OR20 zoning are based upon students that would be generated if the OR20 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. This information is based upon 2002-03 data from the school board.

Ms. Abby Scott stated staff recommends disapproval.

Mr. Bill Geiger spoke in favor of the development and requesting flexibility in the zoning to accommodate retail.

Mr. Cummings moved and Mr. Tyler seconded the motion to disapprove (7-0)

Resolution No. 2003-240

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-086G-04 is **DISAPPROVED. (7-0)**”

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- 14. 2003Z-087G-14**
Council Bill No. BL2003-1469
Map 75, Portion of Parcel 105
Subarea 14 (1996)
District 12 (Ponder)

A request to change from RS15 district to RM4 district property located at 4440 Chandler Road between Stoners Glen Road and Chandler Road, 150 feet south of Stoners Glen Court, (4.4 acres), requested by Mike Anderson, agent, for Hubert and Ruth Wiles, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 4.4 acres from residential (RS15) to residential multifamily (RM4) district a portion of property at 4440 Chandler Road, located east of the Nashville & Eastern Railroad along Chandler Road and south of Stoners Glen Court.

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. Current zoning would permit 11 residential lots.

Proposed Zoning

RM4 district - Residential Multi-family (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre. Proposed zoning would permit 18 residential lots.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - None. Area 4R of the Subarea 13 Plan recognizes existing zoning and development in this area of 2 to 4 units per acre. The proposed zoning would allow development at a maximum of 4 dwelling units per acre for a total of 18 residential units. Commuter rail is a consideration for this area. Therefore, “when such service is being seriously considered and a definitive plan is being prepared, the impact and implications of that service for this area should be carefully considered, including any changes in land use policy that may be appropriate.” (Subarea 14, Area 4R, p. 63)

RECENT REZONINGS - Yes. On April 15, 1999, the Planning Commission recommended approval to rezone properties north of the current proposal from RS15 to RM2 (99Z-041G). Staff also recommended approval.

TRAFFIC - Based on typical uses in RM4 district, approximately 239 vehicle trips per day could be generated (if developed as apartments). (Institute of Transportation Engineers, 6th Edition, 1996). Other densities could generate more or less traffic.

Traffic Engineer’s Findings - This zoning change may have conditions or may require a TIS once the future development plans are submitted.

SCHOOLS 2Elementary 1Middle 1High

Schools Over/Under Capacity - Students would attend Dodson Elementary, Dupont-Tyler Middle School and McGavock High School. These schools are not at full capacity. This information is based upon 2002-03 data from the school board.

CONDITIONS

The following conditions should be made part of the council bill and bonded or completed prior to final plat recordation.

1. Acquisition of parcel 67 to allow for public road access. Currently, Metro property maps show no public R.O.W. accessing this property.

Ms. Adriane Bond stated staff recommends conditional approval.

Mr. Mike Harmon, Senior Pastor of Harvester International Church, spoke in opposition to this development.

Mr. Mike Anderson, representing the owner of the development, notified the Commission that he was present to answer questions regarding this development.

Ms. Mary Jo Hughes, 131 Stone’s Glen, spoke in favor of this development.

Mr. McLean moved and Ms. Cummings seconded the motion to approve with conditions. (7-0)

Resolution No. 2003-241

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-087G-14 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

The following conditions should be made part of the council bill and bonded or completed prior to final plat recordation.

1. Acquisition of parcel 67 to allow for public road access. Currently, Metro property maps show no public R.O.W. accessing this property.”

-
- 15. 2003Z-088G-12**
Council Bill No. BL2003-1489
Map 181, Parcel 122

Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to CS zone district property located at 6439 Nolensville Pike, at the intersection of Nolensville Pike and Bluff Road, (4.56 acres), requested by Martha Williams, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 4.56 acres from agricultural/residential (AR2a) to commercial services (CS) at 6439 Nolensville Pike, north of Bluff Road.

Existing Zoning

AR2a district - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim non-urban land use policies of the general plan.

Proposed Zoning

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

SUBAREA 12 PLAN POLICY

Natural Conservation (NCO) - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate.

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 - Yes. The proposed CS district is not consistent with the Subarea 12 Plan's RLM policy along the frontage of Nolensville Pike or the Natural Conservation policy at the rear of the property. The NC policy was applied due to the presence of floodplain and floodway from Mill Creek and Holt Creek.

There is an existing retail building at the northeast corner of Nolensville Pike and Culbertson Road that was constructed in 2002. Although there is commercial zoning in the area, the Subarea 12 Plan does not call for the expansion of this commercial node. "The intent is to preserve and promote development in accordance with the standard RLM policies." (Page 47, Subarea 12 Plan)

The Subarea 12 Plan identifies the existing home on this property as the Williams House and designates it as being "Worthy of Conservation." According to the Metro Historic Commission, it is also called Wrencoe (c.1860) and is a two-story frame house dominated by a massive Greek Revival entablature and four large square piers (big porch on an otherwise modestly sized house).

RECENT REZONINGS - No. The CS properties on the east side of Nolensville Pike have been zoned commercial since at least 1974 and predate the Subarea Planning process.

TRAFFIC - Based on typical uses in the CS zoning, approximately 4,847 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - The Public Works Department has indicated that they may require a Traffic Impact Study (TIS) when the future development plans are submitted.

Mr. Bob Leeman stated staff recommends disapproval.

Mr. John Quinn, Real Estate Broker, presented a petition favoring the development.

A resident residing at 6433 Nolensville Road spoke in favor of this proposal.

Ms. Martha Williams, 6439 Nolensville Road, asked the Commission to approve this land for CS zoning.

Mr. Small moved and Ms. Cummings seconded the motion to disapprove. (7-0)

Resolution No. 2003-242

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-088G-12 is **DISAPPROVED. (7-0)**”

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- 16. 2003Z-089U-10**
Council Bill No. BL2003-1464
Map 105-14, Parcels 193, 194 and 195
Map 118-02, Parcels 47-52
Subarea 10 (1994)
District 17 (Greer)

A request to change from OR20 district to R10 district property located at 2401, 2403, 2405, 2407, 2409, 2411, and 2413 Elliott Avenue, 812 Inverness Avenue and 807 Hillview Heights, on the west side of Elliott Avenue between Hillview Heights and Inverness Avenue, (1.87 acres), requested by Councilmember Ronnie Greer, for various owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.73 acres from office residential (OR20) to residential (R10) at 2401, 2403, 2405, 2407, 2409, 2411, and 2413 Elliott, 812 Inverness and 807 Hillview Heights, west of Franklin Pike.

Existing Zoning

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

Proposed 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.

SUBAREA 10 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 - No. The R10 district is consistent with the RM policy. The proposed zoning allows a density consistent with the subarea plan (4.63 dwelling units per acre) which is compatible with the density range of four to nine dwelling units per acre.

RECENT REZONINGS - No.

TRAFFIC - Based on typical uses in the R10 zoning district, this proposal will generate 86 trips. Other uses at different densities could generate more or less traffic.

SCHOOL STUDENTS GENERATED 0 Elementary 1 Middle 1 High

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

Existing OR20 Zoning

SCHOOL STUDENTS GENERATED 0 Elementary 2 Middle 2 High

Approve (8-0), Consent Agenda

Resolution No. 2003-243

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-089U-10 is **APPROVED. (8-0)**”

- 17. **2003Z-090G-12**
 Council Bill No. BL2003-1485
 Map 174, Parcel 8
 Map 182, Parcel 141
 Subarea 12 (1997)
 District 31 (Knoch)

A request to change from AR2a district to RS10 district properties located at 5869 and 5943 Pettus Road, 1,900 feet north of Old Hickory Boulevard, (40.33 acres), requested by Mike Anderson of Anderson-Delk and Associates, for SAF Properties, G.P./ Charles Dornan, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 40.33 acres from agricultural/residential (AR2a) to residential single-family (RS10) at 5869 and 5943 Pettus Road, north of Old Hickory Blvd. and west of Pettus Rd.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. Current zoning would permit a total of 20 residential dwelling units.

Proposed Zoning

RS10 district - RS10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. Proposed zoning would permit a total of 149 dwelling units.

SUBAREA 12 PLAN POLICY

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

Policy Conflict - None. The proposed RS10 district is consistent with the RLM policy. The RS10 district is intended for 3.7 dwelling units which is within the density range of the policy (2-4 dwelling units per acre). This RS10 district yields 149 dwelling units. This rezoning is also consistent with the emerging zoning pattern in the area. “A contiguous pattern of development should be encouraged to promote the efficient delivery of public facilities and services.” (Subarea 12, Area 3G, p.47)

RECENT REZONINGS - Yes. On March 18, 1999, the Planning Commission recommended approval to rezone properties to the west (parcel 142) of the current proposal from AR2a and R80 to RS10 (99Z-022G). Staff also recommended approval.

TRAFFIC - Based on typical uses in the RS10 zoning, approximately 1,425 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - A Traffic Impact Study (TIS) is needed to review prior to determining any zone change recommendations.

SCHOOLS

29 Elementary

21 Middle

17 High

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

Ms. Adriane Bond stated staff recommends approval.

Ms. Gail Radford, 5923 Pettus Road, spoke in opposition of the project and expressed concerns regarding possible sink holes and the blasting that would take place to install sewer lines would damage existing homes.

Mr. William Overton, National Speleological Society, spoke in opposition to the project and expressed concerns regarding the blasting and the damage it would cause to the caves in the area.

Mr. John Hottfell, 208 Cheatam, spoke in opposition to the development and also is concerned about the caves and their preservation. Mr. Hottfell submitted a letter to the Commission members regarding this development..

Ms. McCormick, 5865 Pettus Road, resident spoke in opposition to the development and mentioned concerned about the blasting, sink holes, water run-off and the additional traffic in the area.

Ms. Jenny Walters, 5945 Pettus road, spoke in opposition to the development and expressed concerns regarding the overcrowding of schools, possible flooding and she stated that over 2,000 homes have already been added to the area within a 5 radius.

A resident of 5858 Pettus Road spoke in opposition to the development, citing concerns including the increased traffic as well as the high density of the area. He also expressed concerns that the area would not have enough police protection.

Mr. Steve Abernathy, 5929 Pettus Road, spoke in opposition to the development and asked for deferral of item to allow more research geological research. He expressed concern regarding the increased traffic, damage to existing homes caused by the blasting and water run-off.

Mr. Ed Knight, 6330 Pettus Road, spoke in favor of the development.

Mr. Charles Dorman, spoke in favor of the development and the owner of the property.

Mr. Mike Anderson, Property Owner Representation, stated that he would answer any questions the Commission had regarding this development and he also added that the cave that is being referred to in this public hearing is not on the property that is proposed for development.

Mr. Sweat expressed ecological concerns and requested that the Commission gather additional engineering advise, while he is currently opposed to the project.

Mr. Tyler stated the environmental issues should be further reviewed and was opposed to the development.

Ms. Cummings expressed concerns regarding the sinkholes and the caves in the area of development, and would like staff to gather additional information referencing this development.

Mr. Clifton spoke of the A2RA rezoning issues for the project, and stated his opposition.

Mr. McLean expressed concern regarding the RS10 zoning and the possible affects to existing homes caused from blasting, but spoke in favor of the development.

Mr. Small expressed concerns regarding the zoning plan and would like to see a further investigation on the alleged caves in the area.

Mr. Lawson expressed concerns regarding safety issues and the development, while stating his opposition at this time.

Mr. Sweat moved and Ms. Cummings seconded the motion to disapprove. (5-2)

Resolution No. 2003-244

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-090G-12 is **DISAPPROVED. (5-2).**”

- 18. 2003Z-091U-05**
Council Bill No. BL2003-1444
Map 82-12, Parcels 373-377
Subarea 5 (1994)
District 6 (Beehan)

A request to change from CS district to MUG district properties located at Woodland Street (unnumbered) on the south side of Woodland Street at McFerrin Avenue, (1.00 acres), requested by Glen Bartosh, applicant, for MD Limited Partnership.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone five parcels (1.00 acre) at Woodland Street (unnumbered) from commercial services (CS) to mixed use general (MUG) located between S. 9th Street and S. 10th Street on the south side of Woodland Street.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 5 PLAN POLICY

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

Subarea 5 Plan states, “CAE is not intended for application along arterial streets that are not already committed to this type of development. A general goal of CAE policy is to eventually have institutional, residential, and neighborhood scale business development between major intersections and, as needed, to accommodate community scale retail uses in a concentrated node at major intersections” (p.88).

The MUG zoning district is intended to allow these various types of development which is consistent with the subarea plan.

Five Points Redevelopment District

The goals of the Five Points Redevelopment District are to:

1. Maintain continuity in streetscape.
2. Discourage major changes to land use patterns.
3. Sustain an active street with residential and mixed use development that provides for safer and cohesive development pattern.

The MUG district is in accordance with the redevelopment district's goals. There is a historic district overlay surrounding these properties. The guidelines for that overlay are more strict than the base zoning, specifically concerning height limitations. The height restriction for this area is 45'. MDHA must approve all plans in this redevelopment district.

This property is designated as "Neighborhood Commercial" in the Five Points Redevelopment Plan. MUG zoning allows many uses compatible with the Neighborhood Commercial designation. MDHA has no objection to the rezoning of the property from CS to MUG.

POLICY CONFLICT - None. The change removes the CS zone and supports a mixture of uses in keeping with the CAE policy. The purpose of the CAE policy is "...to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern." CAE allows for retail, office, and higher density residential uses to intermingle that will enhance and diversify the Woodland Street Corridor. MUG zoning maintains this mixture of uses and is in accordance with the intent of the policy for this area.

RECENT REZONINGS - None.

TRAFFIC - Based on trip generation estimates, this development could generate 866 for residential uses, 1,439 for office uses, and 5,315 vehicle trips per day for retail uses. (6th Edition, Institute of Transportation Engineers, 1996.) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - This zoning change may have conditions or may require a TIS once the future development plans are submitted.

SCHOOLS 20 Elementary 15 Middle 11 High

Schools Over/Under Capacity* - Students would attend Warner Enhanced Option Elementary, Bellevue Middle School and Hillwood High School. Harpeth Valley and Bellevue have been identified as being overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

*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. at an F.A.R. of 3.00.

Approved (8-0), Consent Agenda

Resolution No. 2003-245

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-091U-05 is **APPROVED. (8-0)**"

- 19. 2003Z-092G-04**
Council Bill No. BL2003-1433
Map 43-14, Parcels 3, 4 and 5
Subarea 4 (1998)
District 9 (Dillard)

A council bill to change from CS district to OR20 district properties located at 533 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered) on the north side of Old Hickory Boulevard, 250 feet west of Hankins Street, (0.88 acres), requested by David Wood, applicant, for Wood Motor Company.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 0.88 acres from commercial services (CS) to office/residential (OR20) district property at 533 Old Hickory Blvd. and Old Hickory Blvd. (unnumbered), to the west of Delaware Avenue.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 4 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities.

Policy Conflict - None. The OR20 district is consistent with the CAE policy in this area. “The long-term goal for existing CAE areas is redevelopment into a more compact form, with community scale clusters at major intersections and higher density residential (where higher density locational criteria can be met).” Standard CAE policy should be used to guide development in this policy area. (Subarea 4 Plan, Area 9E, p.58).

RECENT REZONINGS -None

TRAFFIC - Based on trip generation numbers for OR20 district, this proposal will generate 116 daily trips for residential uses and will generate 338 daily trips for office uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings

1. This zoning change may have conditions or may require a TIS once the future development plans are submitted.

SCHOOLS

Students Generated 2 Elementary 1 Middle 1 High

Schools Over/Under Capacity - Students will attend Stratton Elementary School, Neely’s Bend Middle School, and Hunters Lane High School. Stratton and Neely’s Bend have been identified as being overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

Ms. Adriane Bond stated staff recommends approval.

Ms. Jeannette Spears, Investor spoke in opposition to the development due to the increased traffic and additional noise level for that area.

Mr. Darrell Collins, 545 East Old Hickory Blvd. spoke in opposition to the development.

Ms. Arlene Beets, 529 resident Old Hickory Blvd., spoke in opposition to the development, stating she felt that the development would not be beneficial to the area.

Mr. Small moved and Mr. McLean seconded the motion to approve. (6-1)

Resolution No. 2003-246

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-092G-04 is **APPROVED. (6-1)**”

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20. **2003Z-093U-09**
 Council Bill No. BL2003-1478
 Map 81-16, Parcel 395
 Subarea 9 (1997)
 District 20 (Haddox)

A request to change from CS district to MUL district property located at 942 Jefferson Street on the northeast corner of the intersection of Jefferson Street and 10th Avenue North, (0.43 acres), requested by Phil Ryan for the Metropolitan Development and Housing Agency.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.43 acres from commercial services (CS) to mixed use limited (MUL) district property at 942 Jefferson Street, located at the intersection of 10th Ave. North and Jefferson St.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 9 PLAN POLICY

Mixed Use in Corridor Center (DLUP) - 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. "Mixed Use in Corridor Center" is intended to contain predominantly commercial and mixed-use development, serving as a "town center" for a group of neighborhoods." (Subarea 8 Plan, p.68).

Policy Conflict - None. The proposed MUL district is consistent with the MU policy. According to the Detailed Neighborhood Design Plan for Buena Vista, Jefferson Street serves as a major arterial and is home to many commercial destinations. "Improvements to these primarily commercial corridors could include mixed-use structures to help frame the neighborhood as the southern edge of Subarea 8." This area is located within the Phillips-Jackson Street Redevelopment District. MDHA is the applicant.

RECENT REZONINGS - None

TRAFFIC - Based on the trip generation numbers, this proposal will generate 206 trips for office uses, 762 for retail uses, and 124 trips for residential uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

This zone change may have conditions or may require a TIS once the future development plans are submitted.

SCHOOLS 2 Elementary 1 Middle 1 High

Schools Over/Under Capacity* - Students would attend McGavock Elementary, Two Rivers Middle School and McGavock High School. McGavock Elementary and Two Rivers have been identified as being overcrowded by the Metro School Board. Two Rivers is on the 2003-04 Transfer Restriction list. This information is based upon 2002-03 data from the school board.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. at an F.A.R. of 1.00.

Approved (8-0), Consent Agenda

Resolution No. 2003-247

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-093U-09 is **APPROVED. (8-0)**"

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- 21. **2003Z-094U-10**
Council Bill No. BL2003-1480

Map 117-01, Parcels 34-39
Subarea 10 (1994)
District 25 (Shulman)

A request to change from RM20 district to RS20 district properties located at 3100, 3102, 3104, 3106, 3108 and 3110 Woodlawn Drive on the north side of Woodlawn Drive between Timber Lane and Bowling Avenue, (5.33 acres), requested by the Metropolitan Planning Department staff.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 5.33 acres from residential multi-family (RM20) to single-family residential (RS20) at 3100, 3102, 3104, 3106, 3108 and 3110 Woodlawn Drive, across from Timber Lane.

Existing Zoning

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

Proposed Zoning

RS20 district - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. The RS20 zoning would allow 10 single-family lots on this property.

SUBAREA 10 PLAN POLICY

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

Policy Conflict - No. The RS20 district is consistent with the Subarea 10 Plan's RL policy calling for residential development at up to two dwelling units per acre.

Zoning History/Zone change - The Planning Department was contacted by representatives of the homeowners in Linden Square with questions about the zoning on a lot that was for sale. Staff researched the zoning on this property and the five adjacent properties, as well. It was discovered that these properties were zoned RM20 as part of the 1998 remapping of the entire county. This remapping was necessary to reflect the new zoning categories of the new Zoning Code. The remapping was not intended to substantively change the zoning entitlements of individual properties, but rather to place a new zoning district on the property that was comparable to what was existing.

The 1998 Planning Commission maps showed the six lots in question as "RM8," which was a zoning category that allowed approximately 21 units per acre under the old Zoning Code. It appears, however, that these six lots were erroneously shown on the maps as RM8 when they were, in fact, zoned RS20.

The Planning Department first digitized its zoning maps in 1996. The "hard copy" maps were sent that year to a contractor to be digitized. The hard copy maps used to produce the digital maps showed the correct zoning as of 1996, and they show the zoning of the six properties in question as RS20, which allows single-family development only. It appears that during the digitization process, an error was made and the maps incorrectly showed these properties as RM8, which is the same zoning as the Regency Park condominiums, which are nearby on the other side of Woodlawn.

Metro records do not show that any zoning bill was passed by the Metro Council between 1996 and 1998 to rezone these properties from RS20 to RM20. Accordingly, it appears the property was zoned RM20 based on inaccurate maps. The Planning Department exercised its authority on behalf of the Planning Commission, to initiate an application to return the properties back to their original RS20 zoning.

RECENT REZONINGS - No.

TRAFFIC - Based on typical uses in the RS10 zoning, 96 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - A traffic impact study may be required with any subdivision plat submitted to the Planning Department.

SCHOOLS

Students Generated 1 Elementary 1 Middle 0 High

Schools Over/Under Capacity - Students will attend Julia Green Elementary School, Moore Middle School, and Hillsboro High School. All of these schools have been identified as being overcrowded by the Metro School Board for the 2002-2003 school year.

Under the existing RM20 Zoning

Students Generated 4 Elementary 3 Middle 3 High

Mr. Bob Leeman stated staff recommends approval.

Mr. Richard Smith, representing the client, spoke in opposition to this project.

Mr. Willis Marr, 615 Linden Square, spoke in favor of the recommendation.

Mr. Craig Olsen, resident of Saratoga drive, supports the decision made by the staff.

Mr. Chris Thorson, 3106 Woodlawn, spoke in favor of the zone change.

Mr. Jim Belemy, spoke in favor of the recommendation.

Ms. Ruth Cheng, 3108 Woodlawn Drive, spoke in favor of the recommendation.

Mr. McLean moved and Mr. Small seconded the motion to approve correction to zoning map. (7-0)

Resolution No. 2003-248

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-094U-10 is **APPROVED. (7-0)**”

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- 22. 2003Z-095G-04**
Council Bill No. BL2003-1484
Map 63, Parcels 87 and 91
Map 74, Parcel 43
Subarea 4 (1998)
District 9 (Dillard)

A request to change from RS80 district to RS40 district properties at 405 Menees Lane, Menees Lane (unnumbered), and Neelys Bend Road (unnumbered), approximately 4,000 feet east of Neelys Bend Road, (387.42 acres), requested by Raymond Ferreira of Diversified Developments, LLC, for Mary A. Taylor and E. N. Taylor, owners.

Mr. McLean moved and Mr. Small seconded the motion to remove Item #22, 2003Z-095G-04 from the agenda due to Councilmember Dillard's statement that item will be withdrawn at the July 8th Metro Council Public Hearing. (8-0)

Deferred Indefinitely (8-0)

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- 23. 2003Z-097G-01**
Council Bill No. BL2003-1481
Map 15, Portion of Parcel 7
Subarea 1 (1997)
District 1 (Gilmore)

A request to change from RS40 district to RS10 district a portion of property at 7305 Whites Creek Pike, abutting the western margin of Whites Creek Pike, (34.25 acres), requested by Dale and Associates, Inc. for Clara H. Falls, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 34.25 acres at 7305 Whites Creek Pike from residential single-family (RS40) to residential single-family (RS10).

Existing Zoning

RS40 district - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. The RS40 district would allow 32 single-family lots.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 zoning would allow 127 single-family lots on this property.

SUBAREA 1 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 - No. The proposed RS10 district is consistent with the single-family zoning pattern north of I-24 and is only slightly below the RM policy calling for four to nine dwelling units per acre.

RECENT REZONINGS - Yes. The Planning Commission approved a rezoning on the southern portion of this property for MUL on January 23, 2003, finding it consistent with the Regional Concentration Super Community (RCC) policy on the south part of this parcel. The council bill for this rezoning will be heard on July public hearing at the Metro Council.

TRAFFIC - Based on typical uses in the RS10 district 1,215 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - The Public Works Department recommends the following conditions:

- 1) The access Road to the residential development shall intersect with the new access road serving the southern retail development of this parcel as described in the conditions approved for the southern section of this parcel. There shall be only one access with Whites Creek to serve both of these developments.
- 2) If the residential part is developed prior to the retail, the developer shall be required to construct the main access road intersecting with White's creek. Signalization of this intersection and widening of Whites Creek will be required as the number of units completed generates traffic that will warrant a signal. Traffic counts will be conducted at 75% completion of project and at 100% completion. The number of lanes and or increase in storage lengths for this intersection, as noted in the retail development conditions, will be modified to serve any additional traffic from this land use.
- 3) The developer will coordinate with installation of any conditions that were approved for the development of the southern part of this tract.
- 4) The developer will comply with any other improvements and conditions identified by the TIS for this section of the property.

SCHOOLS

Students Generated 21 Elementary 16 Middle 14 High

Schools Over/Under Capacity - Students will attend Joelton Elementary School, Joelton Middle School, and Whites Creek High School. Joelton Elementary and Middle Schools have been identified as being over-crowded by the Metro School Board for the 2002-2003 school year.

CONDITIONS - See Public Works recommendations.

Mr. Bob Leeman stated staff recommends approval.

Mr. Roy Dale, spoke in favor of the recommendation of approval.

Mr. Wayne Winters, a resident of Joelton, spoke in opposition to the recommendation.

Mr. Joe Falls, Executor for the estate of the owner of the land, spoke in favor of the recommendations.

Ms. Joan Archer, a resident of Joelton, spoke in opposition to the recommendation and expressed concerns regarding the magnitude of the project and would like to have more time to gather community input.

Mr. Joe Smith, a Joelton resident, spoke in favor of the recommendation.

Councilwoman Gilmore spoke in favor of the recommendation and commented that this development will enhance the community of Joelton.

Mr. McLean moved and Mr. Sweat seconded the motion to approve. (7-0)

Resolution No. 2003-249

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-097G-01 is **APPROVED. (7-0)**”

IX. PRELIMINARY SUBDIVISION PLATS

- 24. 2003S-032G-02**
Gilbert Lowe Subdivision
Map 41-08, Parcel 35
Subarea 2 (1995)
District 3 (Nollner)

A request for preliminary plat approval for nine lots abutting the southwest margin of Old Hickory Boulevard, approximately 125 feet northwest of Marydale Drive, (6.49 acres), classified within the RS20 district, requested by Modular Home Builders, Inc. (Jim Patterson) and Van Bond, owner/developer.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat - Subdivide 6.49 acres into a 9-lot subdivision, at a proposed density of 0.72 dwelling units per acre.

ZONING

RS20 - The RS20 district requires a minimum lot size of 20,000 square feet.

SUBDIVISION DETAILS - The proposed lots range in size from 20,100 square feet to 40,625 square feet, which is consistent with the RS20 zoning district.

The cul-de-sac is approximately 440 feet in length and falls within the permitted length for a street with a turnaround (2-6.2.1. G). Sidewalks are not required since the minimum lot size is 20,000 square feet. The ROW for the cul-de-sac is 40’.

Old Hickory Boulevard is identified on the major street plan as a U4 Urban Arterial, which requires a ROW of 84 feet. Currently, Old Hickory Boulevard has two lanes and 60 feet of ROW. The applicant has provided a 12' ROW reservation for future roadway expansion in accordance with the Subdivision Regulations. Access to lot two shall be either from the cul-de-sac or from a joint driveway with lot one or lot three.

A water quality pond is included, located adjacent to the western margin of lot seven with a ten foot easement along the southern edge of lot seven.

TRAFFIC

Traffic Engineer's Recommendation - No exceptions taken.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. The water quality area must be labeled as such and also noted that parcel will be open space, Stormwater comments.
3. Add to the Surveyor's notes the following: A public utility easement of twenty feet (20') adjacent to all street right-of-ways shall hereby be made part of this recording. On corner lots where front yard building setbacks are less than twenty feet (20'), the easement depth shall be reduced accordingly.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-250

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-032G-02 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. The water quality area must be labeled as such and also noted that parcel will be open space, Stormwater comments.
3. Add to the Surveyor's notes the following: A public utility easement of twenty feet (20') adjacent to all street right-of-ways shall hereby be made part of this recording. On corner lots where front yard building setbacks are less than twenty feet (20'), the easement depth shall be reduced accordingly.”

- 25. 2003S-090G-01**
James L. Paradise, Jr. Lots
Map 15, Parcel 41
Subarea 1 (1997)
District 1 (Gilmore)

A request for preliminary and final plat approval for four lots abutting the northwest corner of Morgan Road and Ridgewood Road, (10.07 acres), classified within the AR2a and RS80 districts, requested by James L. Paradise, Jr., owner/developer, Anthony T. Bollinger, surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat - Subdivide 10.07 acres into a 4-lot subdivision, located on the northwest corner of Morgan Road and Ridgewood Road.

ZONING

AR2a district - Agricultural/Residential District 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.

RS80 district - RS80 district requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

SUBDIVISION DETAILS - This final plat creates 4 lots that range in size from 2 to 3 acres each. All lots will have individual septic service that has been approved by the Metro Health Department. No sidewalks are required in the AR2a or the RS80 zoning districts. A variance was granted by the Stormwater Management Committee to relieve the applicant from requirement for plans submittal or permanent water quality or quantity.

CONDITIONS

1. The owner’s certificate on the final plat needs to be completed with the deed book and page reference and the owner’s signature.
2. The final plat needs to reference the Stormwater Management Committee Appeal Case No. 2003-59: variance granted for stormwater quality and quantity site plans.
3. The zoning on the final plat needs to show AR2a and RS80 zoning.

Approve with conditions (8-0), Consent Agenda

Resolution No. 2003-251

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary and Final Plat No. 2003S-090G-01 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The owner’s certificate on the final plat needs to be completed with the deed book and page reference and the owner’s signature.
2. The final plat needs to reference the Stormwater Management Committee Appeal Case No. 2003-59: variance granted for stormwater quality and quantity site plans.
3. The zoning on the final plat needs to show AR2a and RS80 zoning.”

-
26. **2003S-118G-04**
Myatt Business Center (Odom Property, Myatt Drive)
Map 43, Parcels 38 and 40
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary plat approval for four lots abutting the east margin of Myatt Drive, approximately 450 feet south of Madison Industrial Drive, (21.32 acres), classified within the CS and IR districts, requested by ROA Investment Group, L. P., owner/developer, Ronald Ferguson, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 21.32 acres into 4 lots, located abutting the east margin of Myatt Drive, 450 south of Madison Industrial Drive.

ZONING

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

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

SUBDIVISION DETAILS

Greenway Easement - The applicant has dedicated the floodway and floodplain and a 75-foot flood buffer as conservation/greenway public access easement area for a future greenway system. This conservation area is to remain in an undisturbed natural state, excluding the installation of a trail by the Greenways Commission.

Public Works Recommendation - Final roadway plans for the entire development are yet to be submitted and approved. Included will be the roadway section per current regulations for the proposed right-of-way and all associated sidewalks (including curb and gutter and sidewalks on Myatt Drive).

CONDITIONS

1. A revised plat shall be submitted prior to the Planning Commission meeting that:
2. Shows existing topography
3. Labels the detention drainage easement on lot 2 as a “Water Quality Pond-Drainage Easement” to be dedicated on the final plat.
4. Documentation of preliminary approval must be received from Madison Suburban Utility District prior to June 26, 2003.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-252

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-118G-04 is **APPROVED WITH CONDTIONS. (8-0)**”

Conditions of Approval:

1. A revised plat shall be submitted prior to the Planning Commission meeting that:
2. Shows existing topography
3. Labels the detention drainage easement on lot 2 as a “Water Quality Pond-Drainage Easement” to be dedicated on the final plat.
4. Documentation of preliminary approval must be received from Madison Suburban Utility District prior to June 26, 2003.”

X. FINAL PLATS

27. **2003S-150G-12**
Highland Creek, Revision 1, Section 3,
Sherbrooke Lane
Map 180-04, Parcels 61-91
Subarea 12 (1997)
District 31 (Knoch)

A request for final plat approval to amend the sidewalk locations abutting the northwest terminus of Sherbrooke Lane, approximately 90 feet northwest of Century Oak Court, (12.1 acres), classified within the RS10 district, requested by Holt Valley, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Final Plat - Replat the Highland Creek, Section 3 to relocate a 440-foot portion of the sidewalk along Sherbrooke Lane to the north side of the right-of-way because of difficult topographic conditions.

The original plat proposed the entire sidewalk along the south margin of Sherbrooke Lane, from Forest Lake Drive down to Lot 146 within Section 3.

ZONING

RS10 district within a Residential PUD

TRAFFIC ENGINEER'S FINDINGS - No exception taken

RECOMMENDATION

Staff recommends approval of the requested re-plat and relocation of the sidewalk to the north side of Sherbrooke Lane because there is no net loss of the proposed sidewalk network with the proposed request. The proposed sidewalk will now tie-in with Forest Lake Drive on the east side versus the west side of Sherbrooke Lane – which does not negatively affect the original plan. Staff recommends that approval of the relocation of the sidewalk be conditioned on the provision of a striped crosswalk on Sherbrooke Lane where the sidewalk crosses the right-of-way.

All affected property owners of this section of the subdivision have signed the proposed plat.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-253

“BE IT RESOLVED by the Metropolitan Planning Commission that Final Plat No. 2003S-150G-12 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

1. Staff recommends that approval of the relocation of the sidewalk be conditioned on the provision of a striped crosswalk on Sherbrooke Lane where the sidewalk crosses the right-of-way.

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 28. 2002P-003U-03**
Park Preserve, Phases 1 and 3
Map 59, Parcels 135 and 208
Subarea 3 (1998)
District 2 (Black)

A request for a revision to the preliminary plan and for final approval for Phase One of the Planned Unit Development located abutting the east margin of White’s Creek Pike, south of Revels Drive, classified RM9, (83.15 acres), to permit the development of 325 multi-family units and 29 single-family lots to replace 327 multi-family units and 25 single-family lots, requested by Ragan-Smith Associates, for PHP Ministries Inc., owner. (Deferred from meeting of June 12, 2003).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary & Final PUD - Revise a portion of the preliminary and final PUD approval for Phase 1 and 3 of the PUD district located at the end of Revels Drive and Malta Drive off of Whites Creek Pike. This plan is to permit the development of 325 multi-family units and 29 single-family lots, replacing 327 multi-family units and 25 single-family lots.

PLAN DETAILS - The proposed plan is consistent with the approved overall master development plan calling for a mixture of housing types in Phases 1 and 3. While the Council approved plan had 25 single-family lots, this revision increases that number to 29 lots by rearranging several lots and units. This plan also decreases the number of multi-family units by 2 lots. A condition will be placed on this approval requiring a future phase to be reduced in size by two lots. The overall layout and design are consistent with the approved preliminary.

Variance Request

(Parking—Section 17.20.030) - This plan proposes several variances to the parking standards of Section 17.20.030 of the Zoning Code.

Single-Family Lots: The plan proposes 2.5 on-street parking spaces per lot, while the code requires 2 on-site spaces per lot.

Multi-Family Lots: The plan proposes 434 total on-site parking spaces for the multi-family portions of the plan, while 541 spaces are required. However, the plan also provides a total of 558 spaces, including the on-street parking.

Staff recommends approval of the parking variances since this plan is designed to minimize the disturbance to the steep slopes surrounding the area proposed for development. Maximizing the number of on-street parking spaces will minimize the amount of disturbance to the steep slopes and increase the amount of surrounding tree buffer from existing trees. The Planning Commission will make a recommendation to the Board of Zoning Appeals on the parking variance since this is a requirement of the Zoning Code.

TRAFFIC ENGINEER'S FINDINGS -The Metro Public Works Department has made recommendations on this project. based on a new traffic impact study. Those recommendations are included in the conditions below.

Planning Staff Recommendation - Staff recommends that the conditions outlined by Public Works be completed or bonded prior to final plat recordation.

CONDITIONS

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services. Sewer capacity must be purchased in accordance with Metro Water Services requirements.
2. With the submittal of any future phase, lots must be deleted since Phases 1 and 3 were increased by a net of two lots, unless the plan is amended by Council to include two more units.

Phase I

3. Construct a northbound right turn lane on Whites Creek Pike at Malta Drive with 180' of storage and 100' of taper per A Policy on Geometric Design of Highways and Streets published by AASHTO.
4. Provide three lanes on Malta Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

Phase III

5. Provide three lanes on Revels Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

6. Construct a southbound left turn lane on Whites Creek Pike at Revels Drive. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Provide proof of right-of-way for the new section of Revels Drive.

Phase V

8. Construct a westbound left turn lane on Ewing Drive at Vista Lane. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
9. Provide three lanes on Vista Lane at Ewing Drive. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-254

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal No. 2002P-003U-03 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services. Sewer capacity must be purchased in accordance with Metro Water Services requirements.
2. With the submittal of any future phase, lots must be deleted since Phases 1 and 3 were increased by a net of two lots, unless the plan is amended by Council to include two more units.

Phase I

1. Construct a northbound right turn lane on Whites Creek Pike at Malta Drive with 180' of storage and 100' of taper per A Policy on Geometric Design of Highways and Streets published by AASHTO.
2. Provide three lanes on Malta Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

Phase III

1. Provide three lanes on Revels Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.
2. Construct a southbound left turn lane on Whites Creek Pike at Revels Drive. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
3. Provide proof of right-of-way for the new section of Revels Drive.

Phase V

1. Construct a westbound left turn lane on Ewing Drive at Vista Lane. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
2. Provide three lanes on Vista Lane at Ewing Drive. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

29. **96-72-G-06**
Bellevue Plaza Shopping Center
Map 142, Part of Parcel 183
Subarea 6 (2003)
District 23 (Bogen)

A request for a revision to the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development located abutting the north margin of Highway 70, west of Old Hickory Boulevard, classified SCC, to permit the change of use of an existing 800 square foot photomat to a restaurant with 40 patio seats and drive thru, requested by Motophoto, leasee of property,

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary and Final PUD - A request to revise the preliminary plan to permit a change in use of an existing 800 square foot photomat building to a restaurant with 40 patio seats and a drive-thru lane. Although the plan eliminates two parking spaces, eight parking spaces are provided. This portion of the required plan utilizes a shared parking agreement with the remainder of the shopping center within the PUD.

Existing Zoning

SCC district/Commercial PUD - Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area. The original PUD for this shopping center was approved in 1972, while the plan was revised in 1977, to include the photomat in the parking area. Although this plan had a condition that there were to be no fast-food restaurants in the outparcels, that condition was revised for the McDonald's at the corner of Highway 70 S and Old Hickory Boulevard. The proposed restaurant is not part of an outparcel.

TRAFFIC - Based on the proposed PUD plan for this site, approximately 35 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - No exception taken.

CONDITIONS

Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-255

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal No. 96-72-G-06 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission. “

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30. **98-73-G-02**
Hickory Hills Commercial
Map 31, Parcel 148
Subarea 2 (1995)

District 10 (Balthrop)

A request for a revision to the preliminary plan for a phase of the Commercial Planned Unit Development located abutting the west margin of Hickory Hills Boulevard, north of Old Hickory Boulevard, classified OR20, (924.84 acres), to permit the development of a 78,000 square foot office distribution center and a 16,000 square foot bus maintenance facility to replace an undeveloped plan for a 350,000 square foot office distribution in three buildings, requested by Barge, Waggoner, Sumner and Cannon and McKinney Engineering, for Hickory Lenders LTD., L.P., owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Revised Preliminary and Final PUD - A request to revise a portion of the preliminary PUD plan for the Commercial PUD located along the east side of Hickory Hills Boulevard, north of Old Hickory Boulevard. The proposed revision is to permit a 78,000 square foot office distribution building and a 16,000 square foot bus maintenance facility, replacing 350,000 square feet of undeveloped office distribution uses in three buildings.

Existing Zoning

OR20/Commercial PUD - This PUD was approved in 1973, and includes an existing mini-storage warehouse facility, an existing bus maintenance facility, and an existing office distribution facility. The plan also includes an existing convenience market/gas station and an undeveloped hotel.

PLAN DETAILS

The applicant is requesting final PUD approval for the 16,000 square foot bus maintenance facility and final grading approval for the 78,000 office distribution site.

The proposed uses are consistent with what exists within the PUD today, and the proposed layout is consistent with the approved preliminary PUD design.

TRAFFIC - Based on the proposed PUD plan for this site, approximately 234 trips per day could be generated by the office distribution use and 48 trips per day could be generated by the bus maintenance facility. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - No exception taken.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
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. 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 (8-0), Consent Agenda

Resolution No. 2003-256

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal No. 98-73-G-02 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
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. 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.”

31. 88P-068G-13
 Nashboro Square Commercial Center
 Map 135, Parcel 253
 Subarea 13 (1996)
 District 28 (Alexander)

A request for final approval for a portion of the Commercial Planned Unit Development located abutting the east margin of Murfreesboro Pike at Brooksboro Place, classified R10, (7.29 acres), to permit the final grading plan approval and the construction of a private drive from Brooksboro Place to Murfreesboro Pike, requested by Barge, Waggoner, Sumner and Cannon, for Robert Trent, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD Approval - A request for final PUD approval for a portion of the Commercial PUD overlay to permit final grading plan approval for a 600 foot long private drive connecting Brooksboro Place to Murfreesboro Pike. This drive will allow access to the future shopping center and outparcels approved by the Planning Commission on December 12, 2003, for 56,000 square feet of retail, restaurant, and bank uses. This plan replaced the original plan for 90,100 square feet of retail uses.

Existing Zoning

R10/Commercial PUD - This is a grandfathered PUD approved by the Metro Council in 1988, for a total of 242,100 square feet of commercial uses. The portion of the plan proposed to be revised was approved for 90,100 square feet of retail uses originally.

PLAN DETAILS - The proposed plan is for grading and for final PUD approval for the 600 foot long private driveway to serve the future shopping center approved as part of the preliminary PUD plan.

The proposed road plan is consistent with the approved plan in terms of layout and access points. The proposed plan provides one access point directly to Murfreesboro Pike and one access point to Brooksboro Place.

TRAFFIC - Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

- 4,000 square feet of office = 44 trips per day
- 51,000 square feet of retail = 2,189 trips per day

Traffic Engineer’s Findings - In order to preserve the required sight distance at the Brooksboro Place/Nashboro Boulevard intersection, vegetation in this area will be limited to grass and plantings that will not restrict the sight

distance and there will be no fencing or constructed walls, which may obstruct the sight distance, in the vicinity of the Brooksboro Place/Nashboro Boulevard intersection.

Planning Department staff has researched the conditions of the original traffic impact study and determined that no additional road improvements were required at this stage of development. Staff notes, however, that the study is 14 years old and likely does not reflect current traffic conditions in that area.

CONDITIONS

The following conditions will be made part of this approval:

1. Any final PUD plan must include a wall, 6-feet in height at the rear of Lot A, as required on the original PUD approval.
2. Compliance with the Traffic Engineer’s requirements for sight distance at the Brooksboro Plance/Nashboro Boulevard intersection.
3. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003-257

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal No. 88P-068G-13 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

1. Any final PUD plan must include a wall, 6-feet in height at the rear of Lot A, as required on the original PUD approval.
2. Compliance with the Traffic Engineer’s requirements for sight distance at the Brooksboro Plance/Nashboro Boulevard intersection.
3. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
4. 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.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

XII. MANDATORY REFERRALS

- 32. 2003M-067UG**
Sidewalk Capital Improvements Project
Various Maps, Various Parcels

An Ordinance authorizing the acquisition of property by negotiation or condemnation for construction of sidewalks and associated work in accordance with the Strategic Plan for Sidewalk Capital Improvement Projects located within Metropolitan Nashville & Davidson County. The projects planned as part of this ordinance will occur on Old Matthews Road, Lischey Avenue, Scholarship Drive, Annex Avenue South, Annex Avenue North, Achievement Drive, Edmondson Pike, Colice Jeanne Drive, Baugh Road, Jacksonian Drive, and Plantation Drive.

Staff Recommendation - *Approve*

APPLICANT REQUEST

An Ordinance authorizing the acquisition of property by negotiation or condemnation for construction of sidewalks and associated work in accordance with the Strategic Plan for Sidewalk Capital Improvement Projects located within Metropolitan Nashville & Davidson County.

DEPARTMENT AND AGENCY COMMENTS - As part of the continued effort to improve or expand Metro’s current sidewalk network, this ordinance provides the necessary authorization to Metro Government to condemn or acquire portions of property for the following sidewalk projects:

- Old Matthews Road
- Lischey Avenue
- Scholarship Drive
- Annex Avenue South
- Annex Avenue North
- Achievement Drive
- Edmondson Pike
- Colice Jeanne Drive
- Baugh Road
- Jacksonian Drive
- Plantation Drive

Metro Real Property Administration of the Department of Finance recommended approval of the proposed ordinance to acquire or condemn property for the aforementioned sidewalk projects.

Planning Department staff supports the requested ordinance. The on-going effort to provide additional sidewalks throughout Davidson County will help create a more walkable, pedestrian-friendly city.

Approved (8-0), Consent Agenda

Resolution No. 2003-258

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-067UG is **APPROVED. (8-0)**”

- 33. 2003M-070U-10**
Acklen Avenue Surplus Property Designation
Subarea 10 (1994)
District 17 (Greer)

An Ordinance approving the disposition of a certain parcel of property by the Director of Public Property, which is currently held by the Metropolitan Government of Nashville & Davidson County, as requested by the Public Property Administration of the Metro Department of Finance.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

An Ordinance approving the disposition of a certain parcel of property by the Director of Public Property, which is currently held by the Metropolitan Government of Nashville & Davidson County, as requested by the Public Property Administration of the Metro Department of Finance.

DEPARTMENT AND AGENCY COMMENTS

The Metro Public Property Administration has taken the necessary steps to deem this property surplus; in turn, allowing for the conveyance of this property to a private land owner for private development. Public Property staff contacted all agencies that may have an interest in the parcel and none of the departments requested Metro to retain the property.

Related to this requested surplus designation, the applicant has submitted a zone change application to change the zoning of this property from RM20 to CS (see case 2003Z-085U-10).

Comments from the Civic Design Design - Through a series of five public meetings and an Urban Design Forum dedicated to the subject of the Edgehill neighborhood, the Nashville Civic Design Center has recently completed a proposal for the neighborhood. The Design Center, at the request of the Organized Neighbors of Edgehill, began this study in September of 2002.

Several findings relating to development and pedestrian traffic throughout the neighborhood include:

1. The corner of Wedgewood and 12th Avenue South is considered the southern entrance to the neighborhood. Future development at this site should be complementary to the urban nature and character of the neighborhood.
2. Historically 12th Avenue South was the commercial / shopping "HIGH" Street of the neighborhood. Following Urban Renewal, the character and scale of 12th Avenue S. was changed. Businesses were demolished and never returned. Future development along 12th Avenue South should strive to bring it back to its historic nature. (commercial / shopping / urban / pedestrian street)
3. The community expresses concern that the site for a proposed drugstore location should tie into the urban realm of the neighborhood.
4. Using Community Block Grant [CBG] Funds, MDHA will begin construction of a park on the Murrell School property in the fall of 2003. This project will serve as a new neighborhood park. The Civic Design Center has been consulting with MDHA to suggest design opportunities for this park. The current design proposal maintains 13th Avenue South as a pedestrian allee, allowing access to the property, via a stroll through the park. The plan also suggests using the now closed portion of 13th Avenue South of Wade Street and Wedgewood Avenue. This portion used to have access underneath Wedgewood Avenue through a tunnel. Now closed for several years, with the subject site's improvements, the option of reopening this connection could be considered.
5. Residents expressed concerns about the traffic congestion at the corner of 12th and Wedgewood. The drugstore site, in particular, is often inaccessible during high traffic times. The neighborhood would like to see a building placed at the corner, with vehicular access placed farther to the rear of the site, removing additional cars from the intersection.

6. The Civic Design Center's proposal for 12th Avenue South suggests a Boulevard condition from 12th & Edgehill to 12th & Wedgewood. A well sited and urban conscious development would aid in anchoring the entrance to the Edgehill neighborhood and emphasizing the boulevard condition, which will begin at this intersection.

Staff recommends conditional approval, requiring that the developer submit a development plan, to the planning department, which reflects a compact, urban design where pedestrian traffic is encouraged and vehicular traffic is buffered from the residential properties to the west. Without this condition, staff would recommend disapproval. Staff also notes the continued work of the Nashville Civic Design center to help establish a development plan for the Edgehill neighborhood, which provides for a more pedestrian-friendly environment by means of a more integrated urban fabric.

[Zone Change Proposal No. 2003Z-085U-10 and Mandatory Referral 2003M-070U-10 were heard on Public Hearing and discussed by the Commission together.]

Ms. Abby Scott stated staff recommends a conditional approval on Zone Change Proposal No. 2003Z-085U-10.

Mr. Preston Mitchell stated staff recommends a conditional approval on Mandatory Referral 2003M-070U-10.

Councilwoman Ginger Hausser addressed spoke in favor of the development and commented that the proposed development will enhance, as well as serve the neighborhood. She also announced that Councilman Greer will be holding a Neighborhood meetings referencing this project.

Mr. Giff Thorn, representing the developer, spoke in favor to this development.

Mr. McLean and Mr. Bernhardt discussed the property overlay of this project.

Mr. Stewart expressed that he was in favor of the project.

Mr. McLean moved and Mr. Sweat seconded the motion to approve with condition that a development plan be approved by the MPC or a PUD approved by Council prior to Council approval of the MR legislation. (7-0)

Resolution No. 2003-259

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-070U-10 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

Approved on 6/26/03 with condition that a development plan be approved by the MPC or a PUD approved by Council prior to Council approval of the ordinance. Disapproved if the condition is not included in the bill. (7-0)

This property is located at a critical point in the Edgehill neighborhood. The development of a viable neighborhood center is essential to support and enhance the surrounding residential neighborhoods. Therefore any sale of the property as surplus shall contain as a condition of approval (deed restriction) of the transfer, guarantees that the development of the property will achieve the urban design goals of the community.

Therefore, the Metropolitan Planning Commission recommends transfer of the property only if the property contains a deed restriction or similar encumbrance that includes a condition that prior to any development involving any use or alteration of this property the developer shall submit a development plan for the approval of the Metropolitan Planning Commission. Such plan shall ensure that the urban design of the site incorporates the following principles:

1. As the southern gateway to the Edgehill neighborhood, this property shall be developed in a manner that creates an entrance and a sense of arrival at the intersection of 12th Avenue South and Wedgewood Avenue. This can be achieved through the location of the buildings, architectural features of the building or the provision of a dedicated civic space.

2. In an effort to restore the historic character of 12th Avenue South as an urban “Main Street,” this property shall be developed in a manner that balances the needs of the pedestrian and the automobile. Buildings shall be placed close to the sidewalk to create comfort and visual interest for the pedestrian along the street and to minimize the conflict between pedestrians and automobiles. Two to three story buildings with upper story uses are necessary to help frame the street and concentrate pedestrian activity. Building facades that face streets shall include windows and articulation to increase visual interest.
3. The primary function of buildings on this property shall be to serve the surrounding neighborhoods; therefore, automobile access and parking shall be secondary to pedestrian access. Automobile parking shall be located behind buildings whenever possible because parking in front of buildings creates multiple pedestrian and automobile conflicts and detracts from the life of the street. Parking adjacent to the building may be acceptable provided the other urban design elements are achieved. By locating parking further from the intersection, automobile access may be located farther from the intersection, which helps to alleviate access congestion.
4. Landscaping creates a comfortable refuge for pedestrians and protects adjacent residential properties. Street trees should be provided to create shade for pedestrians and a sense of protection from automobiles. Evergreen plantings should be incorporated to buffer non-compatible land uses and screen unsightly features of development.

34. 2003M-071U-10
 Close Portions of Alleys #428, #393 and 13th Avenue South
 Map 105-09, Various Parcels
 Subarea 10 (1994)
 District 17 (Greer)

A request to close a 266-foot portion of Alley #428, a stub of Alley #393 that projects into Map 105-09, Parcel 51, and to close an approximate 75-foot portion of 13th Avenue South, which extends south from Wedgewood Avenue just north of Map 105-09, Parcel 51, to allow for the consolidation of surrounding lots, as requested by Robert Gowan, applicant, for Mark Tarver, prospective property owner, and for Ted Walker, abutting property owner.

Staff Recommendation - Approve

APPLICANT REQUEST

A request to close a 266-foot portion of Alley #428, a stub of Alley #393 that projects into Map 105-09, Parcel 51, and to close an approximate 75-foot portion of 13th Avenue South, which extends south from Wedgewood Avenue just north of Map 105-09, Parcel 51, to allow for the consolidation of surrounding lots, as requested by Robert Gowan, applicant, for Mark Tarver, prospective property owner, and for Ted Walker, abutting property owner.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners’ sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

In conjunction with mandatory referral 2003M-070U, the applicant is requesting to close a portion of Alley #428 to allow for the consolidation of land and subsequent development of a pharmacy on the corner of Wedgewood Avenue and 12th Avenue South. The requested closure of the portion of Alley #393 simply cleans up the parcel that is requested for “surplus” designation (Map 105-09, Parcel 51), as does the requested closure of a left-over portion of 13th Avenue South.

Staff does not believe that these requested closures would have any negative impact on the immediate or surrounding area. The existing alley network, which extends north of Acklen Avenue, would still function properly and allow for smooth traffic circulation even if these requested closures were approved.

Approved (8-0), Consent Agenda

Resolution No. 2003-260

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-071U-10 is **APPROVED. (8-0)**”

- 35. 2003M-072U-10**
Fiber Optic Line Aerial Encroachment
Map 92-12, Parcels 288 and 388
Subarea 10 (1994)
District 21 (Whitmore)

A request for an aerial encroachment to install a single-mode fiber optic cable between 1900 and 1901 Church Street, which is proposed to be installed on existing utility poles and lines that run along 19th Avenue North. The fiber optic line will be installed between 22 feet 3 inches and 23 feet 9 inches above the Church Street right-of-way, requested by Michael D. Schmerling & Company, G.P.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an aerial encroachment to install a single-mode fiber optic cable between 1900 & 1901 Church Street, which is proposed to be installed on existing utility poles and lines that run along 19th Avenue North. The fiber optic line will be installed between 22 feet 3 inches and 23 feet 9 inches above the Church Street right-of-way. Requested by Michael D. Schmerling & Company, G.P.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes – one was submitted.

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

Property Owner Sign Application - Yes

Tenant Sign Application - No

DEPARTMENT AND AGENCY COMMENTS

This item is recommended for approval by Metro Public Works.

Planning staff supports the requested encroachment because the placement of fiber optic lines on existing utility poles does not conflict with the adopted land use policy and would not be inconsistent with any development plan.

Approved (8-0), Consent Agenda

Resolution No. 2003-261

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-072U-10 is **APPROVED. (8-0)**”

- 36. 2003M-073U-12**
Christ Church Pentecostal Flag Aerial Encroachment
Map 161, Parcel 69
Subarea 12 (1997)
District 32 (Jenkins)

A request for a ground and aerial encroachment to install 16 decorative flags and flagpoles along Old Hickory Boulevard along the front of Christ Church Pentecostal, which is located at 15354 Old Hickory Boulevard, requested by L. H. Harduick, for Christ Church.

Staff Recommendation - Approve

APPLICANT REQUEST

A request for a ground and aerial encroachment to install 16 decorative flags and flagpoles along Old Hickory Boulevard along the front of Christ Church Pentecostal, which is located at 15354 Old Hickory Boulevard. Requested by L.H. Harduick for Christ Church.

APPLICATION REQUIREMENTS

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

Insurance Certificate - Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$3,000,000 for aggregate coverage, as required by Metro Legal.

Property Owner Sign Application - Yes

Tenant Sign Application - N/A

DEPARTMENT AND AGENCY COMMENTS

This item is recommended for approval by Metro Public Works.

Planning staff supports the requested encroachment because the placement of flags and flag poles does not conflict with the adopted land use policy and would not be inconsistent with any development plan.

Mr. Preston Mitchell stated staff recommends approval.

A discussion ensued regarding the flag placement along this Boulevard.

Mr. McLean moved and Ms. Cummings seconded the motion to disapprove. (7-0)

Resolution No. 2003-262

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-073U-12 is **DISAPPROVED. (7-0)**”

XIII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 9:55 pm.

Chairman

Secretary

