

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: June 27, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Tonya Jones
James McLean
Ann Nielson
Councilmember Phil Ponder
Douglas Small

Absent:

Mayor Bill Purcell
Stewart Clifton
Frank Cochran
Vicki Oglesby

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Division Manager
Ann Hammond, Planning Director
Lee Jones, Planner I
Jeff Lawrence, Operations Director
Robert Leeman, Planner II
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
Marty Sewell, Planner I
Cynthia Wood, Planner III
Chris Wooton, Planning Technician I

Others Present:

Jim Armstrong, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

Chairman Lawson introduced new Commissioner James McLean.

ADOPTION OF AGENDA

Staff announced the only change to the agenda is the addition of Addendum Agenda.

Ms. Nielson moved and Mr. Small seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of June 7, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black spoke in favor of Addendum Item 7, Proposed Renaming of North Hydes Ferry Road, and item 1, the Subarea 3 Plan Amendment and stated the developers have requested to amend only the portion of the subarea affected by their proposal.

Councilmember-At-Large Howard Gentry spoke in favor of 2001Z-056U-09, the 8.9 project, and stated it would improve the neighborhood and improve the way of life for the people that live in that neighborhood.

Councilmember Vic Lineweaver spoke in favor of 2001Z-004T (Veterinary Clinic) and 2001Z-006T(Temporary Festivals). He stated 2001Z-039G, 97P-030G-06 (Townhomes of Warner Park) need to be disapproved today and he will defer them at Council. He also spoke in favor of 73-85-P-06 (Eagle Ridge at the Reserve).

Councilmember Seletta Holloway expressed concerns regarding 2001Z-018G-13 and 88P-054G-13 (South Shore Extension) being a mobile home park or modular homes development. She stated modular homes would be good and requested a deferral to have an opportunity to meet with the developers.

Ms. Regen stated the developer had also requested that item be deferred until the meeting of July 19 2001.

Councilmember-At-Large Chris Ferrell spoke in favor of Zone Change 2001Z-056G-09.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

2001Z-002T	Deferred until July 19, 2001, by applicant.
2001Z-005T	Deferred until July 19, 2001, by applicant.
2001Z-018G-13	Deferred until July 19, 2001, by applicant.
88P-054G-13	Deferred until July 19, 2001, by applicant.
2001Z-057G-13	Deferred indefinitely, by applicant.
2001S-177G-12	Deferred indefinitely, by applicant.
2001S-186G-02	Deferred indefinitely, by applicant.
2001S-180U-03	Deferred indefinitely, by applicant.

Mr. Don Bishop spoke in favor of 2001Z-002T (Accessory Dwelling), for a detached dwelling.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to close the public hearing defer the items listed above.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Nielson moved and Ponder seconded the motion, which unanimously carried, to close the public hearing approve the following items on the consent agenda:

GENERAL PLAN and ZONING MAP AMENDMENTS

3. 2001Z-001T
Council Bill No. BL2001-745
Billboards in PUDs

A council bill to amend the Zoning Ordinance to prohibit billboards in Planned Unit Development (PUD) districts unless specifically authorized within a PUD by Council, requested by Planning Department staff.

Staff recommends approval.

This council bill amends Section 17.32.150.A (Billboards) of the Zoning Ordinance by prohibiting billboards in Planned Unit Developments (PUDs). A similar text amendment was approved by the Planning Commission in November 2000, but the bill was subsequently withdrawn at the Metro Council since too many text amendments were grouped together in one bill. This text amendment is now an individual bill. Billboards are not consistent with the design intent of PUDs to promote consistency and compatibility with surrounding properties. Staff recommends approval of this amendment since there are ample opportunities for billboards in other commercial zoning districts. Billboards were not permitted within PUDs prior to 1998. Below is the proposed amendment with the new language shown underlined.

Section 17.32.150 Billboards

A. Districts Permitting Billboards. Billboards shall be permitted in the CL, CS, IWD, CF, IR and IG districts subject to the provisions of this chapter and this title. However, billboards are prohibited on any property within a Planned Unit Development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the Metropolitan Council. Type I billboards are prohibited in the CL district. Type II billboards in the CL district shall be limited to those areas of a lot which are within three hundred feet of the right-of-way of a controlled access highway, and all billboards shall be oriented towards that highway.

Resolution No. 2001-263

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Text Amendment 2001Z-001T.

This proposal is consistent with the how PUDs were administered prior to 1998. Billboards are not consistent with the design intent of PUDs to promote consistency and compatibility with surrounding properties. There are ample opportunities for billboards in other commercial zoning districts.

17. 2001Z-061U-13
Council Bill No. BL2001-739
Map 121, Part of Parcel 4 (208 acres)
Subarea 13 (1996)
District 13 (Derryberry)

A council bill to rezone from IR to AR2a district a portion of property at Couchville Pike (unnumbered), abutting the north margin of Couchville Pike and the east margin of Donelson Pike (208 acres), requested by Metropolitan Government, appellant, for the Metropolitan Nashville Airport Authority, owner.

Staff recommends approval.

This council bill is to rezone 208 acres from IR (industrial restrictive) to AR2a (agriculture) a portion of property owned by the Metropolitan Nashville Airport Authority. This property is located between Donelson Pike, McCrory Creek Road, Elm Hill Pike, and bisected by Couchville Pike. The existing IR zoning permits industrial uses such as light and medium manufacturing, warehousing, and distribution. The proposed AR2a district permits single-family homes at a density of one dwelling unit per 2 acres. This property was rezoned in 1999 (99Z-080U; Council Bill O99-1697) for Dell computer. Since Dell no longer needs this property, the Airport Authority has requested to rezone it back to AR2a district.

The Subarea 13 Plan shows this property as falling within the Major Transportation (MT) policy. That policy is intended for major airport and transportation-related uses. Airports are permitted in the AR2a district as a special exception use. This property complies with all of the Zoning Ordinance's requirements for access, landscape buffer yard, setbacks, and lot size. Therefore, rezoning this property to AR2a district will not create a non-conforming use situation.

Resolution No. 2001-264

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-061U-13 is **APPROVED (6-0)**:

This proposal is within the Subarea 13 Plan's Major Transportation (MT) policy intended for airport and transportation related uses. Airports are permitted in AR2a districts as a special exception and since this property was originally rezoned for uses that are no longer proposed, it is appropriate to rezone the property back to AR2a."

PRELIMINARY PLAT SUBDIVISIONS

- 18. 2001S-154U-13**
Airpark East
Map 121, Parcels 146, 147, 149, and 264
Subarea 13 (1996)
District 13 (Derryberry)

A request for preliminary approval for three lots abutting the south margin of Couchville Pike and the east margin of Reynolds Road (172.0 acres), classified within the IWD District, requested by Duke-Weeks Realty, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor. Staff recommends conditional approval.

This request is for preliminary approval for three lots located on 175 acres abutting the south margin of Couchville Pike and the east margin of Reynolds Road classified within the IWD District. The applicant plans to develop (in multiple phases) a large office/warehouse development. Upon build-out this new industrial park is planned for 275,600 square feet of office space and 1,248,800 square feet of warehouse space. This plat is for Phases 1A and 1B. It does not include Phase 2. Phase 1-A is for 520,000 square feet of warehouse space. Phase 1-B includes all 275,600 square feet of the proposed office space. Phase 2 is anticipated for an additional 453,200 square feet.

Traffic: Phases 1-A and 1-B gain access from Couchville Pike. The applicant completed a Traffic Impact Study that was approved by the Traffic Engineer. That study recommended improvements to the intersections of Donelson Pike-Couchville Pike, Bell Road-Couchville Pike and Reynolds Road-Couchville Pike with Phase 1. Future phases will require additional roadway improvements such as an east/west connector street connecting Ned Shelton and Reynolds Road as well as a north/south connector from Couchville Pike to Smith Springs Road.

Drainage: Public Works approved the preliminary drainage concept. More detailed information will be provided at the final plat stage

Staff recommends approval of the preliminary plat with conditions. The applicant and staff are working on the final list of conditions.

Resolution No. 2001-265

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-154U-13, is **APPROVED**. The following conditions apply:

The conditions of approval below cover Phase 1A and Phase 1B of the proposed Airpark East office/industrial park. They do not cover any future phases, including Phase 2 or any office and warehouse development in excess of 795,600 square feet, as noted below. These conditions are based in part on a Traffic Impact Study (TIS) and meetings between the developer, the Metro Public Works Department, and the Metro Planning Department. The TIS is dated January 1, 2001 and was prepared by Barge, Waggoner, Sumner and Cannon for Duke-Weeks Realty. Duke-Weeks Realty is the proposed developer of the Airpark East office/industrial park and owner of record of all property included within this preliminary plat. All conditions imposed below on this preliminary plat are to be satisfied by Duke-Weeks Realty, and are also understood and meant to apply to any future successors in interest.

Project Phases

The TIS describes the proposed project phases as follows:

Phase 1A up to 520,000 square feet of warehouse space

Phase 1B up to 275,600 square feet of office space

Total: 795,600 square feet

1. In conjunction with a final plat for any portion of Phase 1A and/or Phase 1B, and prior to the issuance of any building permits for any portion of Phase 1A and/or Phase 1B, the developer shall provide construction plans for the following off-site improvements:

Couchville Pike/Donelson Pike

a. p. 26 of TIS: Couchville Pike approach to Donelson Pike shall be restriped at the Donelson Pike and Couchville Pike/Knapp Boulevard intersection to provide the following:

- An exclusive right-turn lane from Couchville Pike onto Donelson Pike.
- A shared left-turn lane and thru lane from Couchville Pike onto southbound Donelson Pike.

b. p. 26 of TIS: The signal at Couchville Pike and Donelson Pike/Knapp Boulevard shall be modified to provide a right-turn overlap for the exclusive right-turn lane referenced in condition 1(a) above. The developer shall make this intersection signal's modification at his own expense, in accordance with Metro Public Works standards.

Couchville Pike

c. p. 27 of TIS: Couchville Pike shall be restriped and widened to accommodate an exclusive right-turn lane on Couchville Pike into the project site. This right-turn lane shall have 100 feet of storage capacity with a taper of 120 feet for a total length of 220 feet.

d. p. 27 of TIS: Couchville Pike shall be restriped and widened to accommodate a left-turn lane into the project entrance on Couchville Pike. This left-turn lane shall have 150 feet of storage capacity with a taper of 320 feet for a total length of 470 feet.

e. p. 27 of TIS: Right-of-way shall be dedicated along this property's entire frontage along Couchville Pike to accommodate its future widening.

Bell Road

f. p. 27 of TIS: Bell Road shall be restriped and widened to accommodate an exclusive right-turn lane onto Couchville Pike. This right-turn lane shall have 100 feet of storage capacity with a taper of 120 feet for a total length of 220 feet.

2. Prior to the issuance of any certificate of occupancy for any building or structure in Phases 1A and/or 1B, all off-site improvements identified in condition #1(a-f) above shall be completed, approved, and accepted by the Metro Public Works Department and the Metro Traffic Engineer.

3. p. 27 of TIS: In conjunction with the first final plat for any portion of Phase 1A and/or Phase 1B, whichever phase occurs first, the developer shall post a bond for 50% of the cost to signalize the Bell Road/Couchville Pike intersection. The balance of the cost of the signal shall be determined at a later time, depending upon the intersection meeting signal warrants and the actual sequencing of future phases and/or other private development in the immediate vicinity.

4. Reynolds Road

In the event construction on the Harding Place extension has not begun by the time a final plat is submitted showing a connection of this industrial park development to Reynolds Road, the following conditions (4a, 4b, and 4c) shall apply:

- a. p. 25 of TIS: In conjunction with the first final plat for any portion of this industrial park showing access to Reynolds Road, the developer shall submit construction plans to the Metro Public Works Department for its review and approval, for the widening of Reynolds Road from the proposed point of access to the Couchville Pike/Reynolds Road intersection as follows:
 - p. 26 of TIS: A left-turn lane on Reynolds Road into the industrial park shall be provided measuring 75 feet of storage with a taper of 180 feet for a total length of 255 feet.
 - p. 27 of TIS: For traffic exiting the industrial park, a separate left-turn lane and right-turn lane shall be provided onto Reynolds Road at the project access point.
 - p. 28 of TIS: Reynolds Road shall be widened to accommodate two 12 foot lanes and a 4 foot shoulder on both sides of the road.
- b. In conjunction with the first final plat for any portion of this industrial park showing access to Reynolds Road, Duke-Weeks Realty shall submit a Letter of Commitment to the Director of Public Works within 30 days after the first final plat is recorded, indicating Duke-Weeks Realty's commitment to fund 100% of the cost to acquire the right-of-way necessary to widen and improve Reynolds Road, as provided in condition #4 (a) above. The funds shall be used by Metro Government to acquire the necessary right-of-way. The acceptance of these funds may require Metro Council action.
- c. Prior to the issuance of any certificate of occupancy for any building or structure in Phases 1A and/or 1B that will benefit from access to Reynolds Road, as determined by the Metro Traffic Engineer, the widening of, and improvements to, Reynolds Road under condition #4(a) above shall be constructed, approved, and accepted by the Metro Public Works Department and Metro Traffic Engineer.

5. Future Traffic Impact Studies

- a. p. 2 of TIS: In conjunction with any final plat for any future phase beyond Phases 1A or 1B as shown on this initial preliminary plat, the developer shall submit a Traffic Impact Study (TIS) to the Metro Public Works and Planning Departments for review and approval by the Metro Traffic Engineer.
- b. pgs. 2 and 28 of TIS: In the event construction on the Harding Place extension has begun and some portion of the improvements have been completed, the Metro Traffic Engineer may require the developer to prepare additional traffic impact studies, in conjunction with any final plat or prior to the issuance of any building permit, for any development phase. These studies, at a minimum, shall analyze the affect the Harding Place extension improvement(s) have had on traffic distribution and traffic volumes in the original study area analyzed by the TIS.

6. Connector Roads

In conjunction with any final plat for any future phase beyond Phase 1A and 1B, the developer shall submit conceptual plans (preliminary grading plans with profiles) to the Metro Public Works Department and Metro Traffic Engineer for review and approval, for the proposed east-west and north-south connector roads. The plans shall address the feasibility of extending the east-west road between Bell Road and Reynolds Road, and the north-south road to Smith Springs Road.

19. 2001S-183U-14
Royal Park Business Center
Map 107, Parcel 12.02
Subarea 14 (1996)
District 15 (Loring)

A request for preliminary and final plat approval to create four lots abutting the southwest corner of Ellery Court and Rachel Drive (18.82 acres), classified within the IWD District, requested by Royal Park Investors, L.P., owner/developer, Crouch Engineering, surveyor.

Staff recommends approval.

This request is for preliminary and final plat approval to subdivide 18.82 acres into 4 lots abutting the southwest corner of Ellery Court and Rachel Drive. All of the lots conform to the IWD district standards. No bonds are required since all proposed lots have frontage on existing streets with utilities within the right-of-way.

Resolution No. 2001-266

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-183U-14 , is **APPROVED (6-0).**”

FINAL PLAT SUBDIVISIONS

22. 2001S-178G-14
Stoner's Glen, Phase 3 (Horizontal Property Regime)
Map 75, Part of Parcel 67
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to record a horizontal property regime with 38 units abutting the northeast terminus of Stoners Court, approximately 105 feet northeast of Stoners Glen Drive (19.38 acres), classified within the RM2 District, requested by Stoners Glen, LLC, owner/developer, C. Michael Moran, surveyor.

Staff recommends conditional approval.

This request is for final plat approval to record a horizontal property regime with 38 units abutting the northeast terminus of Stoners Court, approximately 105 feet northeast of Stoners Glen Drive. The property is zoned RM2 district. The preliminary plat was approved on July 8, 1999 for 76 multi-family units. This final plat for phase 3 is for the last phase of the project. Staff recommends conditional approval subject to a 75-foot open space conservation easement being shown on the plat for Stoner Creek.

Resolution No. 2001-267

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-178G-14, is **APPROVED SUBJECT TO A BOND OF \$184,000.00 (6-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

26. 84-87-P-13
The Crossings at Hickory Hollow
Map 163, Parcel 339
Subarea 13 (1996)
District 28 (Alexander)

A request to revise the preliminary plan and for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the south margin of Mt. View Road at Crossings Boulevard (8.14 acres), classified within the R10 District, to permit the development of a 66,934 square foot retail building, replacing the approved 69,000 square foot retail building, requested by Ragan-Smith Associates for Academy Sports, optionee.

Staff recommends conditional approval.

This request is to revise the preliminary plan and for final approval for a portion PUD plan of the Commercial (General) PUD located at the corner of Mt. View Road and Crossings Boulevard, to permit a 66,934 square foot retail building for a sporting good store, replacing an undeveloped 68,530 square foot retail store approved by the Commission on March 15, 2001. This plan matches the plan approved by the Commission earlier this year with only a minor reduction in the square footage of the building, including two new driveways to Mt. View Road. One driveway is located opposite Bell Forge Parkway and another at the eastern end of the site. The driveway located furthest to the east will be for delivery trucks only and does not connect to the parking area in the front of the building on Crossings Boulevard. There will also be an access driveway on Crossings Boulevard, opposite Crossings Place. The Metro Traffic Engineer has approved the locations of the three driveways and is recommending conditional approval with the addition of a center turn lane between the two proposed driveways in the existing right-of-way of Mt. View Road. This turn lane will be 340 feet long. The developer of this site will construct the turn lane on Mt. View Road prior to the issuance of a use and occupancy permit. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased, prior to the Planning Commission meeting.

Resolution No. 2001-268

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is given **APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE. FINAL PLAT APPROVAL SUBJECT TO THE POSTING OF A \$25,000.00 BOND FOR ROAD IMPROVEMENTS TO MT. VIEW ROAD (6-0)**; The following conditions apply:

1. Prior to the issuance of any building permit, 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.
2. Prior to the issuance of any building permits, a revised final plat shall be recorded, including the posting of bond in the amount of \$25,000.00 for off-site road improvements to Mt. View Road.
3. Submittal to the staff of the Planning Commission by July 6, 2001 revised landscaping plans to relocate the C Buffer on the eastern edge of the property out of the stream buffer.
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. 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.
6. 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. 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.”

MANDATORY REFERRALS

27. 2001M-054U-10
Abandonment of a Portion of General Bates Drive
Map 132-5, Parcels 136 and 144
Subarea 10 (1994)
District 33 (Turner)

A request to close a portion of General Bates Drive from south of Melville Drive to the south property line of Parcel 144 on Tax Map 132-5 for E-911 efficiency and effectiveness, requested by the Interim Director of Metro Public Works. Easements are to be retained.

Staff recommends approval.

This request is to close the unbuilt portion of General Bate Drive beginning at Melville Drive and continuing in a southerly direction to the south property line of parcel 144 on Map 132-5. All easements are to be retained. The Interim Director of Public Works has made this request. This request was made in the interest of public safety to avoid confusion to the public and emergency service personnel by having maps accurately reflect what is on the ground. Councilmember Ron Turner agrees with this proposal. The houses on Lots 136 and 144 on this section of General Bate Drive actually encroach on the present right-of-way, necessitating a lot frontage variance by the City of Oak Hill from 50 feet to 25 feet. Lot 136 presently has access to General Bate Drive and Lot 144 has access to Coral Way.

Resolution No. 2001-269

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-054U-10 is **APPROVED (6-0)**.

28. 2001M-055G-10
Easement Acquisition Project No. 01-WG-85,
Hillsboro Road at Bancroft Place
Map 144-76, Parcels 76, 91 and 92
Subarea 10 (1994)
District 34 (Williams)

A request to acquire easements for the Hillsboro Road at Bancroft Place water main (Project No. 01-WG-85), requested by the Department of Water Services.

Staff recommends approval.

A request to acquire easements from parcels 76, 91 & 92, Tax Map 144-11 for a proposed 8" water main, 600' in length beginning in Hillsboro Road from Otter Creek Road to it's terminus in Bancroft Place, requested by the Department of Water Services. It is programmed into the & Capital Improvements Budget and Program, Project No. 96WG0005.

Resolution No. 2001-270

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-055G-10 is **APPROVED (6-0)**."

29. 2001M-056U-09
Council Bill No. BL2001-715
Transfer of Property at 232 3rd Avenue North
for Redevelopment
Map 93-2-3, Parcel 155
Subarea 9 (1997)
District 19 (Wallace)

A council bill to transfer property from Metro Government to MDHA at the southeast corner of 3rd Avenue North and Union Street, commonly known as the Stahlman Building, requested by the Public Property Administrator, sponsored by Councilmembers Howard Gentry, Chris Ferrell and Leo Waters.

Staff recommends approval.

A council bill to transfer property owned by the Metro Government to the MDHA for the purpose of redevelopment and renovation of the building on parcel 155, Tax Map 93-2-3 located at the southeast corner of 3rd Avenue North and Union Street commonly known as the Stahlman Building. Said redevelopment and renovation is for the purpose of providing further housing opportunities in the downtown Nashville area.

Resolution No. 2001-271

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-056U-09 is **APPROVED (6-0).**"

30. 2001M-060U-09
Lease Agreement for Arts Commission
and Historical Commission
Council Bill No. RS2001-648
Map 93-9, Parcel 320
Subarea 9 (1997)
District 19 (Wallace)

A council bill authorizing an extension of the existing lease for the Arts Commission and the Historical Commission at Cummins Station until June 30, 2006, at the end of this fiscal year.

Staff recommends approval.

The council resolution is to extend the existing lease of the Arts Commission and Historical Commission at Cummins Station until June 30, 2006. The monthly rent is \$3,054.51 for the office space that both commissions use and share until June 30, 2004. Beginning July 1, 2004, the monthly rental rate will increase to \$3,380 for the same space.

Resolution No. 2001-272

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-060U-09 is **APPROVED (6-0).**"

31. 2001M-061U-05
Council Bill No. RS2001-647
Martha O'Bryan Center Lease Agreement
Map 93-4, Part of Parcel 73
District 6 (Beehan)

A council bill authorizing the extension of the existing lease agreement between the Martha O'Bryan Center and Metro Social Services for office space at 711 South 7th Street until June 30, 2002, at the end of this fiscal year.

Staff recommends approval.

This council resolution authorizes a lease agreement by and between the Martha O'Bryan Center and Metro Social Services for office space at 711 South 7th Street. The Martha O'Bryan Center is owned by MDHA and is operated by Metro Social Services as a community maintenance office. The office serves as a single point of contact to deliver social services to public housing residents. The lease term is from July 1, 2001 to June 30, 2002 at a monthly rate of \$600 per month. This is the same monthly rate that has been charged for the past several years.

Resolution No. 2001-273

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-061U-05 is **APPROVED (6-0).**"

OTHER BUSINESS

32. Employee contract amendments for Rick Bernhardt, Ann Hammond and Jeff Lawrence

Resolution No. 2001-274

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract amendments for Rick Bernhardt, Ann Hammond and Jeff Lawrence."

ADDENDUM

FINAL PLAT SUBDIVISIONS

- 2. 2001S-077U-04**
Walton Oaks, Section 1
Map 51, Parcels 147 and 148
and Part of Parcels 149 and 150
Map 51-15, Parcel 25
Subarea 4 (1998)
District 4 (Majors)

A request for final plat approval to create nine lots abutting the south margin of Walton Lane, opposite Oakland Acres Drive (2.42 acres), classified within the R10 District, requested by William Dorris, owner/developer, Burns and Associates, surveyor.

Staff recommends approval subject to a bond for demolition, roads, sidewalks and utility extensions.

This item was originally scheduled for the July 5, 2001 Planning Commission meeting. Since that meeting has been cancelled, the applicant has indicated it is important for this project to stay on schedule and be considered at the Commission meeting on June 27, 2001.

This request is for final plat approval to create 9 lots at the intersection of Saunders Avenue and Walton Lane. The preliminary plat was approved by the Planning Commission on May 10, 2001 for a cluster lot subdivision containing 27 lots at a density of 3.2 dwelling units per acre. Staff recommends approval of this plat subject to a revised plat and a bond for sidewalks and utility extensions. The plat needs to be

revised to show the sidewalk along Saunders Avenue continuing to the end of the property line, prior to the Planning Commission meeting.

Resolution No. 2001-275

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-077U-04, is **APPROVED SUBJECT TO A BOND \$96,000.00 (6-0)**.”

- 3. 2001S-116G-04**
Mardalee Subdivision
Map 43-10, Parcels 16, 17, 18, 28 and 29
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to create 11 lots abutting the north margin of North Dupont Avenue, between Nix Drive and Scale Drive (2.48 acres), classified within the RS7.5 District, requested by Oliver Dale and James Humphrey, Jr., owners/developers, Jesse Walker Engineering, surveyor.

Staff recommends approval subject to bonds for sidewalks and demolition of existing structures.

This request is for final plat approval for 11 lots on 2.48 acres of land at the intersection of North DuPont Avenue and Nix and Scalf Drives. This final plat proposes a density of 4.43 dwelling units per acre, a density slightly less than the 4.9 dwelling units per acre permitted by the RS7.5 district. An existing duplex shall remain on lot 8 and an existing home on lots 10 and 11 shall be relocated within this subdivision, sold for relocation elsewhere, or demolished. The Planning Commission approved on June 7, 2001 the preliminary plat with a variance for lot frontage for two lots on Scalf Drive. Staff recommends approval subject to bonds for sidewalks and demolition of existing structures.

Resolution No. 2001-276

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-116G-04, is **APPROVED SUBJECT TO A BOND OF \$34,800.00 (6-0)**.”

- 4. 2001S-184U-09**
Balch and Whiteside's Addition to Nashville,
Resubdivision of Part of Lots 5 and 93
Map 82-13, Parcels 116-125, 128-130 and 132
Subarea 9 (1997)
District 20 (Haddox)

A request for final plat approval to consolidate 13 parcels, including two lots, into one lot abutting the north margin of Jackson Street, between 8th Avenue North and 9th Avenue North (1.95 acres), classified within the OR20, RM20 and IR Districts, and Urban Zoning Overlay District, requested by Metropolitan Development and Housing Agency et al, owners/developers, Thornton and Associates, Inc., surveyor.

Staff recommends approval.

This item was originally scheduled for the July 5, 2001 Planning Commission meeting. Since that meeting has been cancelled, the applicant has indicated it is important for this project to stay on schedule and be considered at the Commission meeting on June 27, 2001. This request is for final plat approval to consolidate 13 parcels, including portions of lots 5 and 93, into one lot containing 1.94 acres. These properties are located between 8th Avenue North, 9th Avenue North, and Jackson Street across from the Farmer's Market. They are also located within the Hope Gardens neighborhood and the Phillips-Jackson redevelopment area. There is also a zone change request (2001Z-056U-09; BL2001-727) on this same agenda to rezone these properties from OR20, RM20, CS, and IR districts to MUL district.

Staff recommends approval of this final plat to consolidate these properties into one lot. M.D.H.A. is requesting this consolidation plat to redevelop these properties with 30 condominium units. Another final plat will be submitted by M.D.H.A. in the near future to dedicate right-of-way for on-street parking and sidewalks, relocate and dedicate an easement for a 21" sewer line that crosses the property, and to create individual condominium units. These properties were acquired by M.D.H.A. through a condemnation hearing on June 18, 2001.

Resolution No. 2001-277

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-184U-09, is **APPROVED (6-0).”**

5. 2001S-207U-13

The Crossings at Hickory Hollow, Lot 2 (1st Revision)
Map 163, Parcel 339
Subarea 13 (1996)
District 29 (Holloway)

A request for final plat approval to abandon a 15 foot drainage easement and to establish a new 20 foot drainage easement on lot 2 abutting the southeast corner of Mt. View Road and Crossings Boulevard (8.14 acres), classified within the R10 Commercial Planned Unit Development District, requested by TSC Realty Capital, L.P., owner/developer, Ragan-Smith Associates, Inc., surveyor.

Staff recommends approval subject to a bond for road improvements and sidewalks.

This request is to revise the final plat for one lot to relocate an unimproved 15-foot wide drainage easement and off-site road improvements along Mt. View Road. There is also a request for final PUD approval on this same agenda (84-87-P-13). Since this is an unimproved drainage easement, a mandatory referral to relocate the easement is not required.

Staff recommends approval of this final plat subject to a bond for off-site road improvements and sidewalks, and provided Public Works and Water Services approve the plat, prior to the Planning Commission meeting. The off-site road improvements include a center turn lane on Mt. View Road between the two proposed driveways into this site. This turn lane will be 340 feet long.

Resolution No. 2001-278

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-207U-13, is **APPROVED SUBJECT TO A BOND OF \$25,000.00 (6-0).”**

PLANNED UNIT DEVELOPMENT (revisions)

6. 95-85-P-04

Lanier Park (formerly Skyye Meadows)
Map 43-14, Parcels 55, 56, and 57
Subarea 4 (1998)
District 9 (Dillard)

A request to revise the preliminary plan of the Residential Planned Unit Development District located abutting the south margin of Old Hickory Boulevard, 550 feet west of Lanier Drive (12.05 acres), classified within the RM15 district, to permit 46 single-family lots and 30 condominium units, replacing 145 condominiums units, requested by Dale and Associates for Diane and Carter Haviland, owner.

Staff recommends conditional approval.

This item was originally scheduled for the July 5, 2001 Planning Commission meeting, but since that meeting has been cancelled the applicant has indicated that it is important for this project to stay on schedule. This request is to revise the preliminary PUD plan of an undeveloped Residential PUD district located along the south side of Old Hickory Boulevard, west of Lanier Drive in the Madison area. The proposed plan would permit 46 single-family lots and 30 condominium units, replacing 145 condominium units.

The plan reduces the number of units/lots by 69 (or 52%) and relocates the access driveway on Old Hickory Boulevard from the east side of the property to the PUD's center. This driveway falls outside of the PUD district, but is part of parcel 56 and is owned by the PUD owner. This plan includes a mixture of residential housing types with condominiums located near the entrance on Old Hickory Boulevard and single-family lots located on the remainder of the site. This plan provides a stub-out street connection to the rear of parcel 51 on the PUD's western side. Staff recommends conditional approval provided Public Works and Water Services approve the plan prior to the Planning Commission meeting.

Landscape Buffers:

Although the single-family lots are similar in size to the surrounding lots (5,000 square feet to 10,000 square feet), the RM15 base zoning requires landscape buffer yards to separate the different zoning districts. This plan includes a "C" landscape buffer yard along the PUD's eastern and southern side, and a "B" buffer yard on the PUD's western side. The buffer yards will be located within the private lots. Typically, landscape buffer yards are required to be placed within common open space, but since this is not a cluster lot development, it satisfies the Zoning Ordinance requirements. There will be a condition placed on this PUD that private fences will be prohibited within 10 feet of the rear property lines where a landscape buffer yard exists within a lot, and that the Homeowner's Association will be responsible for maintenance of these buffer yards.

Resolution No. 2001-279

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95-85-P-04 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (6-0):** The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary 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.
2. All lots containing required landscape buffer yards shall be restricted from building any fences or walls within the required buffer yard area.
3. The PUD's Homeowner's Association shall be responsible for maintaining all buffer yards within the PUD, including buffer yards within the rear yards of the single-family lots.
4. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for public improvements, and shall include any required dedication of right-of-way along Old Hickory Boulevard.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits."

MANDATORY REFERRALS

- 7. 2001M-032U-03**
Proposed Renaming of North Hydes Ferry Road
Map 69-11, Parcel(s) Various
Map 69-12, Parcel(s) Various
Map 69-16, Parcel(s) Various
Subarea 3 (1998)
District 2 (Black)

A request to rename a portion of North Hydes Ferry Road to "John Mallette Drive", and a portion to "Hydes Ferry Road" beginning at a junction with Ashland City Highway and terminating at the intersection of South Hamilton Road and River Drive, requested by Councilmember Melvin Black. (Deferred from meeting of 04/12/01).

Staff recommends approval.

This council bill was deferred indefinitely at the June 19, 2001 Council meeting at the sponsor's request. This bill concerns the renaming of North Hydes Ferry Road to "John Mallette Drive". As the Commission may recall, there was opposition at its meeting on April 26, 2001 to rename North Hydes Ferry. The same opponents spoke to the Council and sought not to have the street renaming occur. Councilmember Black has proposed a revision to the bill to address the opponents concerns. The revision would rename North Hydes Ferry Road to "John Mallette Drive" for a slightly shorter distance than originally proposed. Where North Hydes Ferry currently intersects Hydes Ferry Road, it would be renamed to "Hydes Ferry Road" instead of "John Mallette Drive" (see sketch).

Staff sent letters informing property owners along this portion of North Hydes Ferry Road of the proposed revised name change. Letters were mailed on Friday, June 22, 2001. Staff will inform the Planning Commission at the meeting of any e-mails, letters, or phone calls received in support or opposition of this revised name change. As for the original council bill, it will be amended and considered on 1st reading on Tuesday, July 3, 2001. The bill must start over in Council since the bill's caption is changing as described above. Staff recommends approval provided all reviewing agencies and departments recommend approval.

Resolution No. 2001-280

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-032U-03 is **APPROVED (6-0).**"

- 8. 2001M-057G-10**
Father Ryan Sewer Easement Abandonment (01-SL-80)
Map 132-3, Parcel 5
Subarea 10 (1994)
District 33 (Turner)

A request to abandon an 8" sewer line located within a 20' sewer easement (01-SL-80) running approximately 483' across property located at 700 Norwood Drive, Father Ryan High School, owned by the Roman Catholic Diocese of Nashville, requested by Metro Water Services.

Staff recommends approval.

This request is to abandon an 8" sewer line and easement located at 700 Norwood Drive at Father Ryan High School. The sewer line and its 20' easement are to be run approximately 483 feet across this property. This easement abandonment is part of Metro Water Services Project No. 01-SL-80. Staff recommends approval provided all reviewing agencies and departments recommend approval.

Resolution No. 2001-281

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-057G-10 is **APPROVED (6-0).**"

9. 2001M-058G-12

Mill Creek Trunk Sewer Easement Acquisition (98-SG-13)
Davidson County Map 181, Parcels 2, 5-7, 10, 101, 102,
104, 106, 125, 140, and 196
Williamson County Map 31, Parcels 8 and 8.2
Williamson County Map 33, Parcels 26.2-26.4, 26.7, 59, 67,
71, 72, 74-81, 113-116, 119, 119.1, and 119.3-119.8
Williamson County Map 56, Parcels L-D 1, 26.2, 27.1,
35-43, 45, 46, and 63
Subarea 12 (1997)
District 31 (Knoch)

A request to obtain sewer easement acquisitions from a total of 12 properties in Davidson County and 52 properties in Williamson County for the extension of the Mill Creek Trunk Sewer (98-SG-13) terminating in the City of Nolensville, requested by Metro Water Services.

Staff recommends approval.

This request is to acquire easements in Davidson and Williamson Counties for the extension of the Mill Creek Trunk Sewer (Project No. 98-SG-13). Easements will be acquired from 12 properties in Davidson County and 52 properties in Williamson County. The properties in Davidson County lie along Nolensville Pike between Autumn Oaks Drive and Pettus Road. The properties in Williamson County lie along Nolensville Pike between Pettus Road and Stonebrook Boulevard. This sewer line is being extended so Metro Water Services can provide sewer service in a portion of Williamson County now serviced by the Nolensville/College Grove Utility District pursuant to an Interlocal Cooperation Agreement dated September 16, 1997 between Metro Government, the cities of Brentwood and Nolensville, and Williamson County. Staff recommends approval provided all reviewing agencies and departments recommend approval.

Resolution No. 2001-282

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-058G-12 is **APPROVED (6-0).**"

10. 2001M-065U-05

Council Bill No. BL2001-717
Easement Exchange between BellSouth
and Metro Government
Map 72-13, Parcel 335
Subarea 5 (1994)
District 5 (Hall)

A council bill to exchange easements between Metro Government and BellSouth for a public pedestrian walkway and parking, requested by the Public Property Administrator.

Staff recommends approval.

This request is to approve a contract to exchange some easements between Metro Government and Bell South. The contract concerns former alley #698 located at Douglas Avenue and extending south to alley #711. On January 6, 2000, Planning Commission staff recommended approval to close this portion of

alley #698 and to accept a 2,000 square foot piece of property from Bell South as a turnaround area for the alley (99M-158U-05). All relevant public utilities and Metro departments were notified of the proposed closure and recommended approval. The Metro Council subsequently approved the alley's closure and acceptance of this property on April 4, 2000 (BL2000-189). Unbeknownst to the reviewing agencies and departments, this alley was used by students of Hattie Cotton Elementary School. The school is located south of the alley. Students walk through alleys in this area instead of along Gallatin Pike to get to school.

Upon receiving complaints from the school principal and Councilmember Hall, staff immediately began discussions with Bell South to resolve the situation. Within two days of staff discussions with Bell South, Bell South constructed at its own expense, a pedestrian walkway for these students to use. Unfortunately, this walkway did not comply with Metro's ADA standards. Therefore, Metro Public Works was unable to accept the walkway as a public pedestrian easement. In the intervening months, Bell South has worked very cooperatively with Metro Government to develop new easements to accommodate a new ADA compliant public walkway.

Staff recommends approval of this exchange of easements. Bell South will dedicate to Metro Government an easement to accommodate an ADA compliant public walkway on Bell South property. In exchange, Metro Government will give Bell South an easement for parking on Metro Government property.

Resolution No. 2001-283

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001M-065U-05 is **APPROVED (6-0).**"

This concluded the items on the consent agenda.

PUBLIC HEARING

GENERAL PLAN and ZONING MAP AMENDMENTS

1. Subarea 3 Plan Amendment Request

Residential Low-Medium Density to Residential High Density Policy (approximately 2.2 acres) located on the south side of Buena Vista Pike, approximately 440 feet east of Clarksville Pike.

2. 2001Z-036U-03

Council Bill No. BL2001-657

Map 70-13, Parcels 69 (.71 acres) and 70 (1.5 acres)

Subarea 3 (1998)

District 2 (Black)

A council bill to change from R8 to RM40 district properties at 2112 and 2114 Buena Vista Pike, approximately 440 feet east of Clarksville Pike (2.21 acres), requested by Jeff Heinze of Littlejohn Engineering, appellant, for Charles Huddleston et ux, owners. (Deferred from meeting of 05/24/01).

Ms. Wood stated the staff recommendation for both of these items has changed since community meeting that was held on June 18, 2001. The staff recommendation for both of these items is now for approval.

The original request involved a much larger area than is now being considered for amendment. The revised amendment area is only for the 2.21 acres site of vacant land for which the zone change is being requested.

This request was deferred at the May 24, 2001 Planning Commission meeting in order to allow time for another community meeting. This amendment request has been revised to deal only with the area involved

in the zone change request. The original amendment request involved a larger area along both sides of Buena Vista Pike between Clarksville Pike and West Trinity Lane. The current land use policy is Residential Low Medium Density (RLM), which calls for 2 to 4 housing units per acre. The request is to change the policy to Residential High Density (RH), which calls for more than 20 units per acre.

Staff had concurred with community representatives that the land use policy for the portion of the amendment area beyond the properties involved in the zone change request should not be changed to RMH. The amendment proposal was revised to deal only with the smaller area for which RH policy is requested. Staff believes there is merit to higher density residential development in this small area proposed for RH policy and RM40 zoning. The site is located near the intersection of two arterial streets, is along a bus route, and is adjacent to commercial services.

Staff is also recommending approval for Zone Change 2001Z-036U-03.

A Subarea Plan Amendment is required, and one was submitted.

A traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods, and one was submitted.

This item was disapproved as contrary to the General Plan at the April 26, 2001 meeting and referred back to the Planning Commission by Metro Council to allow for an action on the Subarea 3 Plan amendment request. It was then deferred at the May 24, 2001 meeting to allow more time for another community meeting.

This council bill requests to change 2.21 acres from R8 (residential) to RM40 (multi-family) district properties at 2112 and 2114 Buena Vista Pike. The existing R8 district is intended for single-family homes and duplexes at up to 4.6 units per acre. The proposed RM40 district is intended for high-density residential development at up to 40 units per acre. Currently, these two parcels would allow 10 single-family lots, while RM40 zoning would allow up to 88 dwelling units. The applicant has also submitted a Subarea 3 Plan amendment to change the policy in this area to Residential High (RH) (see previous item). The applicant indicates that this request is being made to allow for a 52-unit housing development for the elderly.

Previously, staff recommended disapproval as contrary to the General Plan. The existing Subarea 3 policy, Residential Low Medium (RLM) calling for 2 to 4 dwelling units per acre, does not support 40 units per acre.

Traffic

The traffic impact study (TIS) indicates that traffic generated by the proposed 52 unit housing development would have only minor impacts on Buena Vista Pike and Clarksville Pike. No off-site road improvements would be necessary as a result of this rezoning.

Schools

Although the applicant indicates the desire to build housing for the elderly, a multi-family development at RM40 density could generate approximately 13 students (6 elementary, 4 middle, and 3 high school). There is currently excess capacity at Bordeaux Elementary, Ewing Park Middle School, and Whites Creek High School to accommodate new development in this area.

Mr. Dwayne Bell spoke in favor of the zone change proposal, gave the Commission some history and plans for the development and presented a petition in favor of the proposal.

Mr. William Crowder, Mr. Dan Lane, Ms. Alleane Corbitt and Mr. Jeff Heinze of Littlejohn Engineering stated there was a need in the area for multi-family housing, the planned senior citizen care development and changes in the Subarea 3 Plan.

Ms. Rosetta Nightengale Davis, Mr. Robert L. Williams, Mr. James Utley, Mr. Chris Utley, Ms. Connie Mollette, Ms. Joy Simms, Ms. Frances Utley and Ms. Peggy Brown, spoke in opposition to the proposal and expressed concerns regarding the subarea amendment process, a potential slum development, a potential government housing project, overcrowding the area, legality of the petitions submitted to the Commission, non-conformity of plans for the existing zoning and multi-family housing.

Mr. Charles Rice and Ms. Ann Burroughs spoke in favor of the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Ms. Jones stated this location would be a good one because of the convenience of public transportation and that this area does need senior housing.

Mr. Small agreed with Ms. Jones and stated this area as all areas in Nashville need senior housing and this development would add to the area.

Ms. Nielson stated she agreed this area needed this change but felt this was a spot zoning.

Mr. McLean stated he liked the design of the project and understood the need.

Councilmember Ponder moved and Ms. Jones seconded the motion to approve with Ms. Nielson in opposition.

Mr. Fox, legal counsel stated a subarea plan amendment requires 6 positive votes to be approved.

Chairman Lawson called for a re-vote, which passed 6-0 to approve.

5. 2001Z-004T
Council Bill No. BL2001-744
Veterinary Clinic

A council bill to amend the Zoning Ordinance to modify standards for Veterinary Clinics, requested by Councilmember Vic Lineweaver.

Ms. Hammond stated staff recommends approval.

This council bill amends Section 17.16.060.B (Uses Permitted with Conditions: Medical Uses- Veterinarian) of the Zoning Ordinance to clarify the conditions for “Veterinarian” uses and the parking requirements. This text amendment limits the clinic’s size to a building footprint of 2,500 square feet, allows a caretaker’s residence for the care of animals overnight, and reduces the amount of required parking. Staff recommends approval of this text amendment since it allows for better care of the animals on a 24-hour basis, and allows more flexibility in the clinic’s design. Below are the proposed amendments with new language shown in **boldface** and deleted language shown with a ~~strike through~~.

Section 17.16.060 Medical Uses

B. Veterinarian. ~~The building footprint of veterinary~~ **Veterinarian** offices and facilities shall be limited to two thousand five hundred square feet ~~of gross floor area per establishment in the mixed use, office, commercial, and shopping center districts,~~ with no more than two establishments per lot. ~~No size limitation shall apply in the CF district.~~ The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.
2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or

district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are ~~may be~~ permitted as an ancillary use subject to the following conditions.
 - a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.
 - b. No outdoor kennels or runs are permitted.
 - c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.
 - d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 - e. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 - f. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.
 - g. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - h. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C. shall be met.

**Table 17.20.030
PARKING REQUIREMENTS**

Land Use	Minimum Parking Spaces
Veterinari	1 space per 200 <u>300</u> square feet
an	

Mr. Small questioned the case of the vet in Bellevue and asked why is the clinic being limited to 2,500 square feet.

Hammond depends on the zoning district and this district doesn't allow outdoor runs and boarding to fit into residential and neighborhood areas.

Small stated this amendment reads as though these requirements are to apply to all zoning districts.

Ms. Hammond stated that if the Commission preferred the wording could be changed.

Mr. Bernhardt stated the narrative could be changed to list districts where these restrictions apply.

Mr. Small again questioned why there is 2,500 square foot limit.

Ms. Hammond stated it was to give flexibility to the clinic design. They are restricted to only be 20 feet high.

Mr. Small asked where does the amendment say 20 feet high. The way this was written and presented that he couldn't understand it and that it was not well written.

Mr. Small stated that if the limit is 2,500 - does that mean you could have two 2,500 square foot structures.

Ms. Hammond stated you could and that is a safeguard for existing vets.

Ms. Jones agreed this was very confusing because people who don't use this information often won't understand it.

Councilmember Ponder moved for deferral.

Ms. Hammond stated someone in particular is waiting for this to be passed today so they can get their building permit.

Mr. Small asked how large the security residence could be.

Ms. Hammond it was not limited to square feet and there are specific conditions that apply to security residences.

Councilmember Ponder stated this would be very difficult for Council to understand.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter indefinitely.

7. 2001Z-006T
Council Bill No. BL201-748
Temporary Festivals

A council bill to amend the Zoning Ordinance to permit temporary festivals as a Special Exception (SE) in the AG and AR2a zoning districts, requested by Councilman Vic Lineweaver.

Ms. Regen stated Staff recommends approval.

This council bill amends Section 17.08.030 (District land use tables: Temporary Festivals) of the Zoning Ordinance to allow temporary festivals as a Special Exception (SE) in AG and AR2a districts. This bill also amends Section 17.16.220.F (Recreation and entertainment special exceptions: Temporary Festivals) to add language stating that temporary festivals must comply with Chapter 2.62 (Mayor's Office of Film and Special Events) and Chapter 10.44 (Mass Gatherings) of the Metro Code. A "Temporary Festival" is defined in the Zoning Ordinance as: "...the provision of rides, games, food and amusements outside of permanent structures. The use shall have a duration of no more than ten days in a month."

Staff recommends approval since this text amendment strengthens the Zoning Ordinance by requiring all temporary festivals to comply with Chapters 2.62 and 10.44 of the Metro Code. These chapters outline provisions for permits, space requirements, water supply, sewage disposal, food service plans, refuse storage, collection, and disposal, overnight camping, lighting, noise levels, crowd control, regulatory personnel, and medical care and facilities. Below are the proposed amendments with new language shown in **boldface** and deleted language shown with a ~~strike through~~.

- Amend Section 17.08.030 by amending the Zoning District Land Use Table by inserting "**SE**" in the Temporary festival use under the AG and AR2a zoning districts.
- Amend Section 17.16.220 F. by adding the following new subparagraph:
4. The activity shall comply with the provisions of Chapter 2.62 and Chapter 10.44 of the Metropolitan Code to the extent required by those provisions.

Ms. Jones asked if someone could have the same festival 10 days each month.

Mr. Bernhardt stated that was possible.

Ms. Regen stated it was up to the BZA's discretion

Councilmember Ponder stated this amendment is for a mud volleyball game for charity and this is the last day the Commission can approve it for before the event. It has previously been held in Councilmember Lineweaver's district and that's why he is in favor of it.

Ms. Jones stated this could become a money making event for certain individuals.

Councilmember Gilmore spoke in opposition to the proposal and stated this event used to be held in Bellevue but has moved to District 1 because there were issues in Bellevue. If this change is approved they will be able to sell alcohol at the events and that would take it to another level. She asked for a deferral to have opportunity to discuss with other Councilmembers. Safety is another issue because of the dangerous location on Ashland City Highway. She asked for deferral or disapproval.

Chairman Lawson asked why would this text amendment allow for the sell of alcohol.

Councilmember Ponder stated it was because that's the way they make a lot of the money. Rick Shepherd, Codes Department, had told him that the only way the BZA could look at this is that if that change was made.

Mr. Bernhardt stated it is permitted in all other districts other than AG and AR2a

Councilmember Bogen spoke in opposition to the proposal, asked for a deferral and stated he was sorry for the inconvenience to the charity.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to defer this matter indefinitely.

10. 2001Z-019U-08

Council Bill No. BL2001-729

Map 92-2, Parcels 207 (.16 acres), 208 (.18 acres),
209 (.12 acres) and 211 (.05 acres)

Subarea 8 (1995)

District 21 (Whitmore)

A council bill to rezone from R6 to MUL district properties at 1002, 1004, and 1006 28th Avenue North and 2712 Albion Street, approximately 90 feet south of Alameda Street (.51 acres), requested by Elaine Bailey, Trustee. (Deferred from meeting of 05/24/01).

Ms. Regen stated Staff recommends disapproval as contrary to the General Plan.

No Subarea Plan Amendment is required. The overall update is currently underway by staff and citizens of Subarea 8 and this request is being assessed as part of the update process. No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This item was deferred at the May 24, 2001, meeting in order to allow notification to go out to the neighborhood association and the participants in the Subarea 8 update process. This council bill is to change .51 acres from R6 (residential) to MUL (mixed-use limited) district properties at 1002, 1004, and 1006 28th Avenue North and 2712 Albion Street. The existing R6 district is intended for single-family homes and duplexes. The proposed MUL district is intended for a mixture of residential, office, commercial, and retail uses at moderate intensities.

Staff recommends disapproval as contrary to the general plan. The office, commercial, and retail uses permitted within the MUL district are not consistent with the current Subarea 8 Plan's Residential Medium Density (RM) policy calling for 4 to 9 residential units per acre. The update of the Subarea 8 Plan is nearing completion. The updated plan for Subarea 8/North Nashville is the first to be prepared under the new subarea planning approach. Under this approach, the Land Use Policy Plan in the current Subarea 8 Plan will be replaced by a two-tiered plan for future land use. The new Subarea 8/North Nashville Plan will have a "Structure Plan" that uses the neighborhood as the basic planning unit. Detailed Neighborhood Design Plans will subsequently be prepared for each neighborhood based on the Structure Plan. The Neighborhood Design Plan for the Hadley Park neighborhood, which includes the subject property, will be among the first to be completed. The Structure Plan category proposed for this area (called "Neighborhood General") has been preliminarily endorsed by the Subarea 8/North Nashville Citizen Advisory Committee. This category does not support the zoning requested by the applicant.

The applicant has indicated that this request is being made to build a full-service restaurant. There are ample commercial opportunities in the CN zoning to the southwest at the Albion Street/28th Avenue North intersection and along the Jefferson Street corridor to the north. Since both the current Subarea 8 Plan and the draft updated plan intend to revitalize commercial development along the Jefferson Street corridor, it is important to focus commercial activities within the existing commercial zoning along that corridor. Moreover, the draft updated plan formally recognizes the emerging Neighborhood Center at 28th Avenue North and Clifton Avenue, which contains additional opportunity for uses such as restaurants.

TDOT has indicated that these properties are within the controlled access zone of the I-40 west off-ramp. TDOT would not allow a driveway cut anywhere on 28th Avenue North from the Albion Street centerline to a point 385 feet north, which falls at the northern side of parcel 207. Any access to these properties would have to be from the alley to the rear of the properties.

Ms. Elaine Bailey Bond applicant and Mr. Joseph Bond spoke in favor of the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Ms. Nielson stated she appreciated what they were trying to do, but without access to street frontage, she would not be in favor of approval.

Ms. Jones stated the Subarea 8 Update is under process and the applicants should get involved in that process.

Ms. Wood stated community meeting is planned for July 2, 2001.

Ms. Nielson moved and Ms. Jones seconded the motion, which carried unanimously, to disapprove as contrary to the General Plan.

Resolution No. 2001-284

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-019U-08 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The existing Subarea 8 policy is Residential Medium (RM) for this area. It does not support the proposed MUL zoning that would allow office, residential, commercial, and retail uses at moderate

intensities. The current policy calls for residential uses at 4 to 9 dwelling units per acre. The Subarea 8 Plan intends to revitalize commercial development along the Jefferson Street Corridor."

11. 2001Z-039G-06

Council Bill No. BL2001-742
Map 143, Parcel 20
Subarea 6 (1996)
District 35 (Lineweaver)

A council bill to rezone from R20 district to RM4 district property at 7216 Highway 100, approximately 3,700 feet east of Old Hickory Boulevard (31.10 acres), requested by William Kantz, appellant, for William E. Kantz, Jr., owner.

12. 97P-030G-06

Council Bill No. BL2001-743
Townhomes of Warner Park
Map 143, Parcel 20
Subarea 6 (1996)
District 35 (Lineweaver)

A council bill to amend the preliminary plan of the Residential Planned Unit Development District located abutting the northeast margin of Highway 100, 400 feet northeast of Old Hickory Boulevard (31.10 acres), classified within the R20 district and proposed for RM4 district, to develop 120 townhomes and 3 single-family lots, replacing 89 townhomes and 3 single-family lots, and to revise the site layout to create a public street connection to parcel 21 to the west where a new road will be developed to access Highway 100, requested by Land Design, Inc., appellant, for Bill Kantz, owner.

Mr. Leeman stated staff recommends disapproval.

No Subarea Plan Amendment required and no Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods.

This council bill is to rezone 31.10 acres from R20 (single-family and duplex) to RM4 (multi-family) district property at 7216 Highway 100, east of Old Hickory Boulevard. The existing R20 district is intended for single-family and duplex dwellings at 1.8 dwelling units per acre, while the proposed RM4 district is intended for multi-family dwellings at 4 dwelling units per acre. Although there is an existing PUD on this property, the R20 district would permit 57 lots, while the proposed RM4 district would allow 124 dwelling units.

Although the Subarea 6 Plan's Natural Conservation (NC) policy allows densities that are consistent with Residential Low Medium Policy (RLM) calling for 2 to 4 dwelling units per acre, the NC policy also calls for the preservation of areas with steep topography, unstable soils, or other environmental features. Staff recommends disapproval at this time since a revised PUD plan is forthcoming from the applicant to address staff comments. It is anticipated that the plan will be revised before going to the July Public Hearing at Metro Council and will be referred back to the Planning Commission.

The Traffic Engineer is not requiring a new Traffic Impact Study with this amended PUD since the newly proposed access point at the intersection of Old Hickory Boulevard and Highway 100 will accommodate the traffic generated by the proposed RM4 zoning. The Traffic Engineer has indicated that this will be a much safer access location than the original PUD plan proposed.

A multi-family development at RM4 density will generate approximately 19 students (8 elementary, 6 middle, and 5 high school). There is currently sufficient capacity at Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood High School.

The second proposal is a council bill to amend the preliminary plan of the Residential PUD district located abutting the north margin of Highway 100 to permit 120 multi-family units in four, three-story buildings with a maximum height of 50 feet, and 3 single-family lots, replacing 89 multi-family units and 3 single-family lots.. This plan changes the access location from a direct access point on Highway 100 to a new public street connection through parcel 21 to the west, where a new road will connect to Highway 100 at the intersection of Old Hickory Boulevard. Staff recommends disapproval at this time since a revised PUD plan is forthcoming from the applicant to address staff comments. It is anticipated that the plan will be revised before going to the July Public Hearing at Metro Council and will be referred back to the Planning Commission. The Commission will then act on the new plan.

Planning Department staff have been working with the applicant on a design that will incorporate the conditions of the agreement that was reached between the Metro Parks Department, Planning Department staff, and the H.G. Hill company, who own the property directly to the west of this site (parcel 21). The agreement required the preliminary PUD plan to be designed in a way that will minimize visibility to the Warner Parks.

The Council Bill recommendation is needed today with re-referral from Council.

Ms. Jane Stranch, attorney for applicant, stated everyone has been working hard to make this a feasible development for the past two years. She stated she and her client were in agreement with the disapproval because they have not finalized a plan to present.

Ms. Nielson moved and Mr. McLean seconded the motion close public hearing.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously to disapprove rezoning proposal 2001Z-039G-06.

Resolution No. 2001-285

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-039G-06 is **DISAPPROVED (6-0)**:

Given this property's location along Highway 100 and across from Warner Parks, a sensitive design is needed. That design should incorporate natural features of the site as well as minimize this development's visibility from Warner Parks."

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to disapprove PUD proposal 97P-030G-06

Resolution No. 2001-286

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-030G-06 is **DISAPPROVED (6-0)**,"

13. 2001Z-049G-13

Council Bill No. BL2001-741

Map 164, Parcels 185 (28.80 acres), 191 (24.55 acres),

and Part of Parcels 167 (0.49 acres) and 190 (0.50 acres)

Subarea 13 (1996)

District 29 (Holloway)

A council bill to rezone from AR2a to RS10 district a portion of property at 3830 Pin Hook Road and properties at 3826 Pin Hook Road, and Pin Hook Road (unnumbered), (54.34 acres), requested by Joe McConnell of MEC, Inc. for Jerry Butler and Bertha E. and Joan M. Roberts McClain, owners.

Staff recommended approval in the staff report, subject to all of parcel 167 being included within this zone change. Staff has received no indication the applicant is willing to amend their application so therefore staff is recommending disapproval.

No Subarea Plan Amendment is required and no traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods? Yes.

This council bill is to rezone 54 acres from AR2a (agriculture) to RS10 (single-family residential) district property located at 3826 and 3830 Pin Hook Road. The existing AR2a district permits single-family homes at a density of 1 dwelling unit per 2 acres. The proposed RS10 district permits single-family homes at a density of 3.7 dwelling units per acre.

Staff recommends approval of this request subject to all of parcel 167 being rezoned. Presently, the applicant has only included the driveway leading to the home on this property. One of the owners of parcel 167, Ms. Joan Roberts, is unwilling to have all of the property rezoned. Ms. Roberts is concerned that the property taxes on her life estate in this property will increase. Therefore, the home in which she lives has been excluded from this rezoning.

Staff contacted the Assessor's Office about Ms. Roberts's concerns. The Assessor's Office has indicated that regardless of whether parcel 167 is zoned AR2a or RS10 district, her property will be assessed at the residential rate (25% of the assessed value and taxed at the residential rate). The assessed value of her property may go up regardless of whether she includes all of parcel 167, a portion of it, or none of it in this zone change since the assessed value of surrounding, comparable properties may increase. This property is located in a high growth area in the county.

The proposed RS10 district is consistent with the emerging zoning pattern. Staff believes not including all of parcel 167 within this rezoning, establishes a poor precedent. Zoning boundaries, whenever possible, should be contiguous and encompass an entire property. This proposed council bill would be the inverse of spot zoning by creating a mass of properties zoned RS10 and leaving one in the middle zoned AR2a.

The applicant prepared a traffic impact study comparing the existing AR2a zoning to the proposed RS10 zoning. The study determined that the proposed 190 single-family homes to be constructed on this property will not have a significant impact during the morning (7-9 a.m.) and evening (4-6 p.m.) peak hours. Pin Hook Road operates at an acceptable level of service during these times. The study recommends that one eastbound left-turn lane on Pin Hook Road at the project access be constructed with 75 feet of storage. The study also recommends that an additional connection to the north be provided. That connection is already planned for by the Planning Commission's approval of an amendment to the South Shore PUD (88P-054G-13).

A single-family development with 204 dwelling units could generate approximately 41 students (18 elementary, 12 middle, and 10 high school). There is insufficient capacity at Mt. View Elementary School and Antioch High School. Kennedy Middle School will open in August 2001 near capacity with 950 students. Mt. View school's capacity is for 800 students and current enrollment is 822 students, exceeding capacity by 3%. Antioch High's capacity is for 2000 students and current enrollment is 2015 students, exceeding capacity by .01%. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Tom White, attorney representing the applicant, stated he is requesting approval. The property owner in middle of rezone request area simply doesn't want her property rezoned because of tax increase concerns.

Ms. Nielson moved and Councilmember Ponder seconded the motion to close the public hearing.

Mr. Bernhardt stated that rezoning all of the property would be appropriate.

Councilmember Ponder moved and Ms. Jones seconded the motion, which carried unanimously to approve with no conditions:

Resolution No. 2001-287

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-049G-13 is **APPROVED (6-0) recommended staff initiate a rezoning on the remaining portion of parcel 167 (6-0):**

The proposal is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. The proposal is also consistent with the area's emerging zoning pattern."

Councilmember Ponder moved and Ms. Jones seconded the motion to request staff to initiate a request to change the zoning on parcel 167 from AR2a to RS10, which carried unanimously.

Resolution No. 2001-288

"Be it resolved by the Metropolitan Planning Commission that it requests staff to initiate a request to change the zoning on Map 164, Parcel 167 from AR2a to RS10.

Mr. Small stated he had a problem with initiating zoning change against the wished of the property owner even though it would be appropriate.

Mr. Bernhardt explained this is a recommendation to start the process for a public hearing and not approving the zone change.

14. 2001Z-056U-09
Council Bill No. BL2001-727
Map 82-13, Parcels 116-125 and 128-130
Subarea 9 (1997)
District 20 (Haddox)

A council bill to rezone from RM20 to MUL District property at 1004, 1006, 1010, 1012, and 1014 9th Avenue North, and 9th Avenue North (unnumbered), by changing from IR to MUL District property at 1001, 1007, 1009, and 1011 8th Avenue North, by changing from CS to MUL District property at 1000 and 1002 9th Avenue North, and by changing from OR20 to MUL District property at 1016 9th Avenue North (1.93 acres), requested by Councilman Morris Haddox and the Metropolitan Development and Housing Agency, owned by M.D.H.A., Tamay Ozari, Darryle Cannon et ux, and Alice G. Cannon, William Patton, Jr., Roy Lumpkin et ux, Deliann T. Austin Living Trust, Glenn A. Ferguson, James K. Eaton et ux, Moses Fisher and Erica White. (Deferred from meeting of 06/07/01).

Mr. Leeman stated staff recommends approval. No Subarea Plan Amendment is required, and no traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This item was deferred at the June 7, 2001 meeting in order to get more information following the June 18th condemnation hearing. Staff will update the Commission at the meeting as to the most recent developments. This council bill is to change 1.93 acres from RM20, IR, CS, and OR20 (multi-family, industrial, commercial, and office/residential) to MUL (mixed-use) properties at 9th Avenue North, across from the Farmer's Market. The Metropolitan Development and Housing Agency (MDHA) and Councilman Morris Haddox have requested this rezoning to develop this property with 30 dwelling units. Currently, the properties include one single-family dwelling, an auto-dealership, a parking lot and 10 vacant parcels.

The existing RM20 district is intended for multi-family residential at 20 dwelling units per acre; the IR district is intended for a wide range of light manufacturing uses; the CS district is intended for a wide range of office, retail, restaurant, and service uses, including light manufacturing and self-storage facilities; and the OR20 district is intended for office and residential uses at 20 dwelling units per acre. This property falls within the Hope Gardens neighborhood, and Phillips-Jackson redevelopment plan. The proposed Mixed Use Limited (MUL) district is intended for a moderately intense mixture of residential, retail, and office uses. Staff recommends approval since the proposed MUL district falls within the Subarea 9 Plan's Mixed-Use (MU) land use policy, is consistent with the Hope Gardens neighborhood and Phillips-Jackson redevelopment plans.

The Traffic Engineer indicates that 9th Avenue North, and 8th Avenue North can accommodate the traffic generated by the proposed MUL zoning on this property.

A multi-family development with 30 dwelling units will generate approximately 4 students (2 elementary, 1 middle, and 1 high school). There is sufficient capacity at McGavock Elementary School, Two Rivers Middle School, and Hillsboro High School, while Buena Vista Elementary has insufficient capacity.

Mr. Fox stated MDHA technically owns the property and has title to it.

Mr. Small stated he was against this proposal last time, but now that MDHA owns all the properties it is okay.

Councilmember Ponder moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-289

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-056U-09 is **APPROVED (6-0)**:

The proposal is consistent with the Subarea 9 Plan's Mixed Use (MU) policy calling for a moderate intensity mixture of residential, retail, and office uses. This proposal is also consistent with the Hope Gardens Neighborhood plan and the Phillips -Jackson redevelopment plan."

16. 2001Z-058G-04
Map 43-15, Parcels 8, 9, and 10
Subarea 4 (1998)
District 9 (Dillard)

A request to change from OR20 to CS district properties at 905, 909, and 911 Old Hickory Boulevard, east of Myatt Drive, (1.31 acres), requested by Ross Wood, owner.

Mr. Leeman stated staff recommends disapproval as contrary to the General Plan.

This request is to rezone from OR20 (office and multi-family residential) to CS (commercial services) district property at 905, 909, and 911 Old Hickory Boulevard, east of Myatt Drive. The existing OR20 district is intended for office, parking, and multi-family residential at 20 dwelling units per acre. The CS district is intended for is intended for retail, consumer services, banks, restaurants, office, light manufacturing, self-storage, and small warehouse uses.

Staff recommends disapproval as contrary to the General Plan the proposed CS zoning. The Subarea 4 Plan calls for general and medical office uses for this stretch of Old Hickory Boulevard, east of Myatt Drive. Myatt Drive is the dividing line between the commercial policy along Old Hickory Boulevard and the office policy. The property next door was rezoned CS in 1998 (88Z-142). The Planning Commission recommended disapproval of that zone change; however, the Metro Council approved it.

Mr. Ross Wood, applicant, spoke in favor of the proposal and stated the subarea plan calls for CS on that property.

Mr. Leeman stated the subarea plan called for multi-family residential and medical and office use.

Mr. Wood stated that was incorrect.

Ms. Regen stated the multi-family residential, medical and office use is the adopted plan.

Mr. Bobby Youngblood, Mr. Walter Odom and Mr. Craig Wood spoke in favor of the proposal and expressed concerns regarding too many multi-family dwellings in that area and the overcrowding.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close public hearing.

Ms. Nielson moved and Mr. Small seconded the motion, which carried with Mr. McLean in opposition, disapprove as contrary to the General Plan.

Resolution No. 2001-290

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-058G-04 is **DISAPPROVED (5-1) as contrary to the General Plan:**

The proposal is inconsistent with the Subarea 4 Plan's Office Concentration (OC) policy east of Myatt Drive. The Subarea 4 Plan calls for general office and medical office uses for this stretch of Old Hickory Boulevard, east of Myatt Drive. Myatt Drive is the dividing line between the commercial policy along Old Hickory Boulevard and office policy."

PRELIMINARY PLAT SUBDIVISIONS

20. 2001S-185U-05
Luton Meridian Subdivision
Map 71-11, Parcels 20 and 30
Subarea 5 (1994)
District 5 (Hall)

A request for preliminary approval for 16 lots between Meridian Street and Luton Street, approximately 190 feet north of Gatewood Avenue (3.43 acres), classified within the RS5 District, requested by Fred W. and Kaye S. Hahn, Jr., owners/developers, Jesse Walker Engineering, surveyor.

Ms. Regen stated staff recommendation has changed from indefinite deferral to approval.

This request is for preliminary plat approval of 16 single-family lots located on 3.43 acres between Meridian Street and Luton Street within the RS5 District. The proposed density of 4.66 dwelling units per acre is less than the 7.41 dwelling units per acre permitted by the RS5 zoning.

The Subdivision Regulations require that in-fill development, like that proposed by this plat, have lots comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes lots located on the same and opposite side of the street. The regulations require that proposed lots have 90 percent of the average street frontage and contain 75 percent of the square footage of existing lots considered in the comparability analysis. As presented, the applicant meets comparability for lot size, but fails to meet the comparability for lot frontage. Public Works has requested the applicant provide a water quality concept for this plat.

After the public hearing notices were mailed-out, the applicant requested to defer this plat so it could be revised to comply with comparability and water quality standards. Staff recommends indefinite deferral of this plat so the applicant can revise the plat.

Ms. Regen stated staff has received letters in opposition.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close public hearing and approve with variances.

Resolution No. 2001-291

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-185U-05, is **APPROVED (6-0) WITH VARIANCE TO SECTION 2-4.7 (LOT FRONTAGE) AND SECTION 2 4.2.E (LOT WIDTH).**”

FINAL PLAT SUBDIVISIONS

- 23. 2001S-179U-14**
Metro Airport Center, Lot 1
Map 108, Parcels 27 and 34
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to consolidate two parcels into one lot abutting the southwest margin of Elm Hill Pike, opposite Hurt Drive and McCrory Creek Road (9.45 acres), classified within the CS Commercial Planned Unit Development District, requested by Duke Realty Limited Partnership, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Ms. Regen Staff recommends conditional approval subject to the posting of a bond for off-site road improvements.

This request is for final plat approval to consolidate two parcels into one lot abutting the southwest margin of Elm Hill Pike, opposite Hurt Drive and McCrory Creek Road. The property is zoned CS district and is within the Metropolitan Airport Center PUD. The Planning Commission approved a revision to the PUD on May 24, 2001 to permit a 87,230 square foot, single-story, office building, replacing an 85,000 square foot office building (46-83-U-14) on this property. This plat is for that office building. Staff recommends conditional approval subject to the Stormwater Appeals Committee approving a remediation plan for inadvertent grading of the floodway buffer by the applicant’s contractor, and subject to the posting of a bond for off-site road improvements on Elm Hill Pike, as conditioned on the final PUD plan.

No one present to speak at the public hearing

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried unanimously, to close public hearing and approve the following resolution:

Resolution No. 2001-292

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-179U-14, is **APPROVED SUBJECT TO A BOND (6-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

- 25. 73-85-P-06**
Eagle Ridge at the Reserve

(formerly Nashville Highlands)
Map 128, Parcel 154
Subarea 6 (1996)
District 23 (Bogen)

A request for MPC recommendation on a variance to the sign regulation of the Metropolitan Zoning Ordinance to permit the placement of a 30 square foot sign on a rock face at the entrance to the multi-family development located abutting the east margin of Old Hickory Boulevard, north of Highway 70, classified within the R20 district, to permit a sign at a height of 18 feet, where the Zoning Ordinance allows a maximum height of 6 feet, requested by Barge, Waggoner, Sumner and Cannon, for Nashville Highlands, LLC.

Mr. Leeman Staff recommends approval.

This request is for a variance to Section 17.32.080.B.5 (On-premises signs in residential districts) of the Zoning Ordinance. The applicant wants to place a sign 18-feet high at the project entrance on a natural rock wall, where only a six foot tall sign is permitted. This wall was created when the site was excavated for construction. The sign will identify the name of the multi-family development now under construction known as “The Reserve”. The proposed sign will have 30 square feet of sign area, which is less than the 32 square feet allowed by the ordinance. Since this is within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over the final decisions on variance requests.

Staff recommends approval of the variance to the maximum height of the sign. The sign will use an existing feature of the site and allow clear visibility and identification. Placing the sign on the wall also eliminates any site distance problems that a ground monument sign may have caused at the site entrance.

Mr. Bill Locked explained that the lettering would be attached to the rock.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2001-293

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 73-85-P-06 is given **APPROVAL (6-0).**”

1. Subarea 3 Plan Amendment Request

Chairman Lawson stated he would like to discuss with the Commission their previous action regarding the Subarea 3 Plan Amendment Request and the subsequent zoning request to insure that the Commission feels comfortable with their decision. And that we, in the Commission's opinion, allowed for adequate continuation of discussion on the issues. If the Commission is so inclined we can re-open that, continue discussion and split the voting on the two actions. If we do want to re-open we need a request and a motion.

Ms. Nielson requested the Subarea 3 Plan Amendment Request discussion is re-opened for a revote on the amendment and the zone change with separate motions.

Councilmember Ponder seconded the motion.

The Commission unanimously agreed.

Councilmember Ponder moved and Mr. McLean seconded the motion to approve the Subarea 3 Plan Amendment request, which failed (5-1) with Ms. Nielson in opposition.

Mr. Small asked if the vote the Commission just had on Subarea Plan Amendment failed.

Chairman Lawson stated that was correct.

Mr. Bernhardt stated the Commission has in effect , at this point in time, due to a lack of 6 votes, chosen not to amend the subarea plan, but can obviously revisit that at a later time.

Councilmember Ponder asked if the Commission could take action on item 2 since item 1 is out of the picture.

Ms. Nielson stated the Commission could take action, but if approved, it would be contrary to the General Plan.

Councilmember Ponder moved and Mr. McLean seconded the motion, which carried with Ms. Nielson in opposition, to approve Zone Change 2001Z-036U-03.

Mr. McLean asked if this passes would it be the same result.

Mr. Bernhardt stated this item would go forward to Council as it is voted up or down with the majority.

Mr. McLean stated the applicants that have left here today still get the same as they did before with the exception to the change on the subarea plan.

Mr. Bernhardt stated that was correct.

Resolution No. 2001-294

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-036U-03 is **APPROVED (5-1)**:

This proposal is consistent with the amended Subarea 3 Plan's Residential High (RH) policy that supports the proposed RM40 zoning district. RM40 allows multi-family uses up to 40 dwelling units per acre."

Mr. Fox stated the public hearing on both of those items was closed and the initial vote, the very initial vote that was taken, failed. The reason a motion was allowed at all is because of item 6 G, Manner of Acting (Rules and Procedures of the Commission), - "If a motion on a question fails, deliberation shall continue until a motion of definitive action is offered and passed."

OTHER BUSINESS

33. Legislative update

Councilmember Ponder provided an update on the current legislative of items previously considered by the Commission.

ADDENDUM

OTHER BUSINESS

11. Presentation of Council and School District, Census Data

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:40 p.m.

Chairman

Secretary

Minute Approval:
This 19th day of July 2001

