

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: June 27, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman

Absent:

Mayor Bill Purcell
Councilmember John Summers

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Nancy Phillips, Planning Technician 1
Chris Wooton, Planning Technician 1

Others Present:

Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced item 11. 99S-097U-12, Villages of Brentwood, should have this phrase added: and extend the letter of credit from December 27, 2002, to June 27, 2003.

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

APPROVAL OF MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of June 13, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver spoke in favor of item 2. 2001Z-007G-06.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

1. 2002Z-020T - Deferred Indefinitely
9. 2002S-154G-12, Cane Ridge Estates - Defer until July 25, 2002
22. 2002M-065U-08 - Deferred Indefinitely

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

PUBLIC HEARING

PUBLIC HEARING: AMENDMENT #1 TO THE PLAN FOR SUBAREA 8:

THE NORTH NASHVILLE COMMUNITY-2002 UPDATE Involving (1) Proposed Changes to Certain Provisions in Chapter Three and Appendix C, and (2) The Proposed Addition of Detailed Neighborhood

Design Plans: Cumberland Gardens/Elizabeth Park/Jones-Buena Vista/Osage North Fisk and East Germantown/Germantown/Salemtown/Metro-2nd & Hume and Salemtown Neighborhoods by Reference to Appendix E

The Planning Commission unanimously approved on the consent agenda the amendments to the Plan for Subarea 8: The North Nashville Community – 2002 Update. The amendment included three major sections.

First, the amendment adds the Mixed Live/Work land use category as created during the planning process for the Germantown planning neighborhood. Adding this land use category required amending the various charts associated with land use and building types as outlined in the staff report.

Second, the amendment made specific changes to the previously approved Subarea 8 Structure Plan in order to accommodate the plans produced during the Detailed Neighborhood Design Plan process for six additional neighborhoods.

Third, the amendment includes adoption of the Detailed Neighborhood Design Plans for the following sets of neighborhoods:

1. East Germantown/Germantown/Salemtown/Metro-2nd & Hume
2. Cumberland Gardens/Elizabeth Park/Jones-Buena Vista/Osage-North Fisk.

Approval of the East Germantown/Germantown/Salemtown/Metro-2nd & Hume DNDP included the following amendments recommended by the staff:

1. Change building height requirements from 4 to 6 stories to 3 to 6 stories with stories above the fourth story set back further than the first four stories.
2. Change Commercial land use category from Commercial to Mixed Use where it occurs on Jefferson Street and 8th Avenue North.

Resolution No. 2002-235

“WHEREAS, on January 24, 2002, the Metropolitan Planning Commission adopted *“The Plan for Subarea 8: the North Nashville Community – 2002 Update”* [the *Updated Plan*], and

WHEREAS, the *Updated Plan* defines planning neighborhoods, a goal of the *Updated Plan* is the preparation of “Detailed Neighbor Design Plans” [DNDPs] for those planning neighborhoods, and the *Updated Plan* call for said DNDPs to be made a part of the *Updated Plan* through their adoption and incorporation into the (by reference) as elements of Appendix E, and

WHEREAS, from early February to late May of 2002, the Metropolitan Planning Department staff working extensively with resident, property owners, and civic and business interests, including conducting six (6) workshops and public meetings in the community, prepared DNDPs for two groups of planning neighborhoods, each of which involved four neighborhoods [see Part “II” and “III” in “Attachment A”], and

WHEREAS, modifications are needed to the “Structure Plan” and other sections of the Updated Plan to provide the basis for some of the provisions of the DNDPs as presented in Sections II and III of Attachment A [see “Part I” of Attachment A], and

WHEREAS, a public hearing was held by the Metropolitan Planning Commission on June 27, 2002, to obtain additional input regarding the proposed DNDPs and modifications to the *Updated Plan* presented in Attachment A and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county;

WHEREAS, the Metropolitan Planning Commission finds that the modifications to the *Updated Plan* as presented in Part I of Attachment A are proper and are important to the achievement of the vision and goals of the *Updated Plan*, that the DNDPs as presented in Parts II and III of Attachment A have been prepared in accordance with the guidelines in the *Updated Plan* as modified by the provisions of Part I of Attachment A, and that all of these amendments are supported by the community,

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 1 to *The Plan for Subarea 8: the North Nashville Community – 2002 Update* as set forth in “Attachment A,” incorporates Part I of the Amendment into the *Updated Plan*, and incorporates Parts II and III by reference into Appendix E of the *Updated Plan*.

ZONING MAP AMENDMENTS

6. 88-85-P-06
West Park
Map 114, Parcel(s) 261-263
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the undeveloped Residential Planned Unit Development District located abutting the south margin of Charlotte Pike, north of I-40, classified within the R15 district, (40 acres), to permit 147 multi-family units, replacing 240 multi-family units on the approved plan, requested by Ragan-Smith Associates, appellant, for A. K. M. Fakhruddin et al, owners. (Deferred from meetings of 3/14/02 and 3/28/02).

Project No.
Project Name
Deferral

Planned Unit Development 88-85-P-06
West Park

Item was deferred at the March 28, 2002 meeting to allow applicant more time to meet with the surrounding property owners. Plan has been revised since then to reduce the number of units from 240 to 147 units.

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Request to revise the preliminary PUD plan to allow 147 townhomes, and the addition of an amenity area (pool and restrooms) that was not proposed on the original PUD plan.

Existing Zoning
R15/Res. PUD

Preliminary PUD was approved in 1985 for 240 townhomes. Plan is grandfathered to permit townhomes within the R15 district, a single-family and duplex district.

SUBAREA 6 PLAN

Policy
Natural Conservation (NC)

NC policy was applied to this area in 1996, after the PUD plan was approved by the Metro Council, because the site has steep topography.

TRAFFIC/CONDITIONS
Traffic Engineer's Findings

Approve with conditions.

1. Prior to the issuance of any Use and Occupancy permits for the 30th unit, the developer/owner needs to construct a westbound left-turn lane into the project entrance on Charlotte Pike.
2. Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike needs to be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.
3. Bonds need to be posted for sidewalks, turn-lane, and landscaping with the final plat.

Resolution No. 2002-236

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No.88-85-P-06 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, 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 and Water Services.
2. As noted on the plan, if at the time of final PUD plan submittal the applicant submits a request for a sidewalk variance or sidewalk relief, a final determination about sidewalks along the frontage of Charlotte Pike shall be made by the Metro Planning Department and the Public Works Department when detailed grading plans are provided with the final PUD plan.
3. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.
4. Prior to the issuance of any Use and Occupancy permits for the 30th unit of the development, the developer/owner shall construct a westbound left-turn lane into the project entrance on Charlotte Pike, including 100 feet of storage capacity with a taper to AASHTO standards.
5. Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike shall be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.
6. Prior to or in conjunction with the submittal of any final PUD plan, the Harpeth Valley Utility District shall have approved the final PUD plans."

8. 2002S-148G-02
 WILLIAM A. HALL LOTS
 Map 033, Parcel(s) 116, 117 & 178
 Subarea 2 (1995)
 District 3 (Nollner)

A request for preliminary and final plat approval to create three lots from three existing parcels by shifting property lines, abutting the southeast margin of Dickerson Pike, approximately 791 feet northeast of Campbell Road, (8.33 acres), classified within the CS district, requested by William A. Hall owner/developer, Tommy E. Walker, surveyor. Thomasson, owner/developer, Dale and Associates, surveyor.

Project No.	Subdivision 2002S-148G-02
Project Name	William A. Hall Lots
Associated Cases	None
Staff Recommendation	<i>Approve with conditions subject to a revised plat prior to recordation.</i>

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Create three (3) lots from three (3) existing parcels by shifting property lines, and allowing one parcel to gain direct access to Dickerson Road, via a flag-shaped configuration.

ZONING

CS district that does not require minimum lot sizes.

VARIANCES TO SUBDIVISION REGULATIONS

Lot Dimension

(Section 2-4.2)

Flag lots generally shall not be permitted in a proposed subdivision. Applicant requesting a variance for a flag shaped lot due to the reconfiguration of parcel 178 to allow direct frontage along Dickerson Pike, a pre-existing parcel that has always been landlocked.

Recommendation

Approve. Since the subdivision request is the creation of a three (3) lot subdivision from three (3) existing parcels using the shifting lot lines provision in the ordinance, the creation of the flag lot suits the preservation of the pre-existing parcel shapes.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following:

- 1. Removal of a duplicate public utility easement note.
- New lot numbers in addition to existing parcel numbers.

Resolution No. 2002-237

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-148G-02 is **APPROVED WITH CONDITIONS, SUBJECT TO VARIANCE FOR FLAG LOT (7-0).**”

Staff recommends approval of the final plat subject to approval of a variance for a flag-shaped lot and a revised plat being submitted prior to the Planning Commission meeting, showing the following:
Removal of a duplicate public utility easement note.”

PLANNED UNIT DEVELOPMENTS (revisions)

13. 91-71-G-14

Hermitage Plaza (Wal-Mart)
Map 64-15, Parcel(s) 10, 25-29; Map 64-16, Parcel(s) Part of 1
Subarea 14 (1996)
District 11 (Brown)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Lebanon Pike and the west margin of Andrew Jackson Parkway, classified within the SCR and CS districts, (22.2 acres), to develop a 207,498 square foot Wal-Mart Supercenter retail store, requested by Carlson Consulting Engineers, for MRW Retail Joint Venture and B.B. Doubleday, Jr., owners. (See also Mandatory Referral Proposal No. 2002M-053G-14).

Project Name

Hermitage Plaza (Wal-Mart)

Council Bill

None

Associated Cases

2002M-053G-14

Recent Revisions/Approvals

Yes. Preliminary PUD plan was disapproved by the Planning Commission on January 10, 2002, and subsequently approved by the Metro Council in April 2002.

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Permit a 207,498 square foot Wal-Mart Supercenter retail store on 22.2 acres.

Existing Zoning

SCR/Commercial PUD
CS/Commercial PUD

Preliminary PUD plan is approved for a 207,498 square foot retail store.

PLAN DETAILS/SIGNAGE

Proposal is consistent with the preliminary PUD plan approved by the Metro Council on April 16, 2002.

Given this site’s proximity to the Hermitage, the Planning Commission conditioned any final PUD plan to include sign details to be reviewed by the Metro Historic Commission with a recommendation to the Planning Commission regarding the possible impact to this national historic site. The proposed sign for the Wal-Mart is 7 feet tall by 14 feet wide. The Metro Historic Commission has approved this sign plan.

TRAFFIC

Developer will make several off-site traffic improvements as part of this proposal, as provided in the TIS, required by the Traffic Engineer, and Metro Council. These improvements will be bonded with the final plat and include the following:

2. New right-turn lane on Andrew Jackson Parkway onto Lebanon Pike.
3. New traffic signal at the intersection of Jackson Meadow Drive and Andrew Jackson Parkway.
4. New traffic signal at the main driveway entrance to the site on Andrew Jackson Parkway.
5. New traffic signal at the intersection of Donelson Trace and Andrew Jackson Parkway.
6. New traffic signal at the intersection of Windsor Chase Way and Andrew Jackson Parkway.
7. Modifications to the existing traffic signal at the intersection of Andrew Jackson Parkway and Lebanon Pike.
8. Extension of the existing center-turn lane on Andrew Jackson Parkway to provide a 150-foot northbound left-turn lane at the Wal-Mart driveway, a 75-foot southbound left-turn lane at the Wal-Mart driveway and a 50-foot northbound left-turn lane onto Jackson Meadows Drive.

CONDITIONS

Additional conditions of this approval include the following:

Prior to the issuance of any building permits, a Mandatory Referral for easement abandonment must be approved by the Metro Council and a final plat must be recorded including any necessary bonds for landscaping, sidewalks, turn-lanes, traffic signals, and any other public improvements.

Resolution No. 2002-238

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 91-71-G-14 is given **CONDITIONAL FINAL PUD APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.

2. 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.

3. Prior to the issuance of any building permits, a final plat must be recorded, including all necessary bonds for public improvements, approved Mandatory referral easement abandonments and relocations, and including the traffic improvements outlined below.

- Prior to the issuance of any Use and Occupancy permits for the Wal-Mart Supercenter, the developer must construct a new right-turn lane on Andrew Jackson Parkway at Lebanon Pike, as required by the Metro Traffic Engineer, to allow for two thru-lanes, a left-turn lane and a right-turn lane at the southbound approach to Lebanon Pike.
- New traffic signal at the intersection of Jackson Meadow Drive and Andrew Jackson Parkway.
- New traffic signal at the intersection of Donelson Trace and Andrew Jackson Parkway.
- New traffic signal at the intersection of Windsor Chase Way and Andrew Jackson Parkway.
- Prior to the issuance of any Use and Occupancy permits for the Wal-Mart Supercenter, the developer shall install a new traffic signal at the main driveway entrance to the site on Andrew Jackson Parkway.
- Prior to the issuance of any Use and Occupancy permits for the Wal-Mart Supercenter, the developer shall be responsible for modifications to the existing traffic signal at the intersection of Andrew Jackson Parkway and Lebanon Pike to allow for the additional southbound right-turn lane from Andrew Jackson Parkway onto Lebanon Pike, as per the Metro Traffic Engineer’s requirements.
- Prior to the issuance of any Use and Occupancy permits for the Wal-Mart Supercenter, the developer shall extend the existing center-turn lane on Andrew Jackson Parkway to provide a 150-foot northbound left-turn lane at the Wal-Mart driveway, a 75-foot southbound left-turn lane at the Wal-Mart driveway and a 50-foot northbound left-turn lane onto Jackson Meadows Drive.
- Prior to the issuance of any Use and Occupancy permits for the Wal-Mart Supercenter, the developer shall construct one entering lane and two exiting lanes from the Wal-Mart driveway onto Andrew Jackson Parkway.”

15. 28-87-P-06
 Boone Trace, Section 8
 Map 126, Parcel(s) 65
 Subarea 6 (1996)
 District 23 (Bogen)

A request for a revision to the preliminary plan and final PUD approval for a phase of the Residential Planned Unit Development District located abutting the north margin of Newsom Station Road, west of Boone Trace, classified within the RS20 district, (41.01 acres), to permit the development of 42 single-family lots, replacing 43 single-family lots, requested by Civil Site Design Group for Branstetter Family Partners, L.P. and Cecil D. Branstetter, owners.

Project No.	Planned Unit Development 28-87-P-06
Project Name	Boone Trace, Section 8
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Request to revise the preliminary PUD plan and for final approval for a phase to allow 42 single-family lots.

Existing Zoning

RS20/Residential PUD

Preliminary PUD was approved in 1987 for a total of 43 single-family lots in Section 8, and 330 total lots in all eight phases. This is the last phase of the Boone Trace PUD.

SUBAREA 6 PLAN

Policy

Natural Conservation (NC)

NC policy was applied to this area in 1996, after the PUD plan was approved by the Metro Council in 1987, due to the site's steep topography and floodplain.

DESIGN/CONDITIONS

Plan is consistent with the PUD layout approved in 1987. Since this is the last phase of the PUD, the applicant has agreed to make landscaping improvements parcel number 1 to 39 on tax map 126-15A that were approved on the plan for Phase 1 only along the street frontage of the newly relocated Newsom Station Road. These improvements were required but never completed in Phase 1 of the PUD in the late 1980's. Applicant will post a bond to insure the completion of these improvements with the first final plat for Phase 8.

Plan includes one critical lot (lot 38) due to its proximity to a sinkhole. Plan will be conditioned that lot 38 be removed, or relocated so the sinkhole is outside of the lot. Should the applicant choose to only move the lot, the following note must be added to the final plat: *"Lots designated * are adjacent to sinkholes and/or floodplain area. These lots will require geotechnical inspection before footings are poured and each home must have a minimum lowest floor elevation including any unfinished basement of 4 feet above the 100-year flood elevation."*

TRAFFIC

Plan provides two stub streets to the west, consistent with the original preliminary PUD plan.

Traffic Engineer's Findings

Approve.

Resolution No. 2002-239

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-87-P-06 is given **APPROVE WITH CONDITIONS (7-0)** THE FOLLOWING CONDITIONS APPLY:

Prior to the issuance of any permits, confirmation of final approval of this proposal needs to be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Water Services and Public Works.

Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for landscaping and necessary public improvements. Bonds will be posted with Section 8 for required landscaping in Phase 1 of the development including the area shown on the approved final PUD plan for Phase 1 behind parcel numbers 1-39 on tax map 126-15A.

The following note must be added to the final plat: *"Lots designated * are adjacent to sinkholes and/or floodplain area. These lots will require geotechnical inspection before footings are poured and each home must have a minimum lowest floor elevation including any unfinished basement of 4 feet above the 100-year flood elevation."*

Prior to the issuance of any building permits for lot 38, a critical lot plan needs to be submitted for this lot.

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.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

17. 2002P-001U-05
City View Lofts (formerly Edgefield Housing)
Map 82-16, Parcel(s) 90
Subarea 5 (1994)
District 6 (Beehan)

A request for a revision to preliminary and for final PUD approval for the Planned Unit Development District located abutting the south margin of Woodland Street and the east margin of South 8th Street, classified within the RM40 district Urban Zoning Overlay District, East Bank Redevelopment District, and Edgefield Historic District, (1.03 acres), to permit 30 multi-family units, replacing 33 multi-family units, requested by Kline Swinney Associates, appellant, for Wolfgang Sauermann, owner.

Project No.	Planned Unit Development 2002P-001U-05
Project Name	City View Lofts
Council Bill	BL2002-1036. Approved May 9, 2002 Council Public Hearing
Associated Cases	2002Z-022U-05 (Council Bill #BL2002-1035).
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Permit a 30-unit multi-family development on approximately 1 acre.

Existing Zoning
RM40 zoning

RM40 zoning is intended for high intensity multifamily developments at a density of up to 40 dwelling units per acre.

PLAN DETAILS

The proposed building has three stories, and is approximately 42 feet tall. There are 20 proposed 2-bedroom units and 10 proposed 1-bedroom units. Council Ordinance #BL2002-1014, which was passed June 4, 2002, amended the contextual street setback requirements within the UZO, thus allowing the building to be constructed within 5 feet of the South 8th Street right-of-way as shown on the plan

The PUD plan provides a one-way entrance through an existing curb cut from Woodland Street and a one-way exit onto the alley to the rear of the property. Traffic from Woodland Street passes under and through the building before entering the parking area. The plan shows a right-of-way dedication of 4 feet, to widen the existing alley from 16 to 20 feet from the one-way exit to South 8th Street in order to accommodate two-way traffic.

There are existing sidewalks on Woodland and South 8th Street. The plan complies with all zoning requirements.

SUBAREA 5 PLAN

Policy Commercial Arterial Existing (CAE) policy. The CAE policy is intended for retail, office, and higher density residential uses.

Policy Conflict None.

RECENT REZONINGS Rezoned from CL to RM40 (BL2002-1035 or 2002Z-022U-05).

CONDITIONS

Prior to the issuance of a building permit, a final plat needs to be recorded in order to identify the PUD boundary and to dedicate the additional 4 feet of right-of-way along the alley, from the one-way exit to South 8th Street.

Resolution No. 2002-240

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-001U-05 is given **APPROVE PRELIMINARY AND FINAL PUD WITH CONDITIONS (7-0)** The following conditions apply:

Prior to the issuance of any building permits, confirmation of final approval of this proposal will be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.

2. Prior to the issuance of any building permits, a final plat needs to be recorded, including the dedication of a 4’ x 90’ strip of right-of-way along Alley #284 to the rear of the property, and bonds shall be posted for any necessary public improvements.

3. This final plan approval for the residential master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final plat if a boundary survey confirms there is less acreage.

4. 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.

5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

MANDATORY REFERRALS

18. 2002M-053G-14

Hermitage Wal-Mart Plaza: Drainage Easement Abandonment and Relocation of Water and Sewer Lines
Map 64-16, Parcel(s) 1, 5; Map 64-15, Parcel(s) 10, 25-29
Subarea 14 (1996)
District 11 (Brown)

A request to abandon and relocate various public utility and drainage easements as well as water and sewer line easements for the development of the Wal-Mart Supercenter in Hermitage, requested by Joseph Parsley of Carlson Consulting Engineers, appellant, for MRW Retail Joint Venture and B.B. Doubleday, Jr., owners. (See also PUD Proposal No. 91-71-G-14).

Council Bill	None.
Associated Case	Planned Unit Development 91-71-G-14 (Hermitage Plaza Wal-Mart)
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST	Abandon and relocate various public utility and drainage easements as well as water and sewer line easements for the development of a Wal-Mart Supercenter in Hermitage.
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APPLICATION REQUIREMENTS	
Final Plat	Yes. The applicant has submitted a conceptual final plat showing easement abandonment and relocation.

DEPARTMENT AND AGENCY RECOMMENDATIONS	All reviewing departments and agencies recommend approval.
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Resolution No. 2002-241

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-053G-14 is **APPROVED (7-0)**."

- 19. 2002M-060U-14**
 Acquire Right-of-Way Along Lebanon Pike
 Map 96-02, Parcel(s) 9, 10; Map 85-14, Parcel(s) 42, 18, 43, 49, C, 20, 21
 Subarea 14 (1996)
 District 14 (Stanley)

A request to acquire portions of various properties along Lebanon Pike by negotiation or condemnation for the Lebanon Pike Sidewalk Project (Project No. 01-R-08), requested by the Director of Public Property Administration.

Project No.	Mandatory Referral 2002M-060U-14
Project Name	Lebanon Pike Sidewalk Project
Council Bill	None
Public Works Project	No. 01-R-08
Capital Improvements Budget	CIB #99UW006
Staff Recommendation	<i>Approve with conditions.</i>

APPLICATION REQUEST

Request to acquire portions of various properties located along Lebanon Pike for right-of-way purposes to accommodate the Lebanon Pike Sidewalk Project. (Project No. 01-R-08). Construction funds are available through use of the 2001 USD Multi-Purpose Improvement Bonds (CIB #99UW006).

Approximately 0.5 acres to be acquired for right-of-way and approximately 0.25 acres to be acquired for temporary construction easements.

APPLICATION REQUIREMENTS	None.
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**DEPARTMENT AND AGENCY
COMMENTS**

Metro Parks

Metro Parks Department requests consideration be given to the development of proposed sidewalk for a shared sidewalk / bike trail. The department anticipates public demand to have a shared sidewalk for bicycling to the YMCA trailhead of the Stones River Greenway. Greenway is proposed to be completed by October 2002. Metro Parks recommends a wide sidewalk signed as a shared public sidewalk.

**DEPARTMENT AND AGENCY
RECOMMENDATION**

Staff recommends conditional approval subject to approvals by all reviewing agencies and departments. Staff has informed Public Works of the Metro Parks Department desire to have a wider sidewalk, and Public Works is reviewing the feasibility of a shared sidewalk for pedestrian / bicycle usage.

Resolution No. 2002-242

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-060U-14 is **APPROVED (7-0) with conditions.**"

20. 2002M-062G-14
Council Bill No. BL2002-1118
Kohl's Department Store Greenway Easement
Map 85-00, Parcel(s) 91
Subarea 14 (1996)
District 14 (Stanley)

A council bill authorizing the acceptance, execution, and recordation of an agreement for grant of an easement with Kohl's Department Stores, Inc. for use in the Stones River Greenway System, sponsored by Councilmembers Bruce Stanley, Phil Ponder, Edward Whitmore, and John Summers.

Project No.	Mandatory Referral 2002M-062G-14
Project Name	Kohl's Department Store Greenway Easement Grant
Associated Cases	Subdivision Proposal #2002S-099U-14
	Jackson Downs, Phase 4
Council Bill	BL2002-1118
Staff Recommendation	<i>Approve with conditions.</i>

APPLICATION REQUEST

Council bill authorizing the acceptance, execution, and recordation of an agreement between Metro Government and Kohl's Department Stores, Inc. for an easement for use in the Stones River Greenway System.

Approximately 0.48 acres to be granted for easement to allow Metro to construct a trailhead for pedestrian or bicycle travel, nature trail, and/or natural area. Area to be granted is adjacent to an existing portion of the Stones River conservation greenway easement, south of Lebanon Pike, and east of the Kohl's Department Store parking lot.

APPLICATION REQUIREMENTS

None.

**DEPARTMENT AND AGENCY
RECOMMENDATION**

Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-243

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-062G-14 is **APPROVED (7-0) with conditions.**"

21. 2002M-064G-12
Close "Old Preston Road"
Map 173-00, Parcel(s) 43, 44, 105
Subarea 12 (1997)
District 31 (Knoch)

A request to close a portion of a road (Old Preston Road), identified on the official street and alley map as a private road that was relocated in 1936, referred to as a private road but no record of its closure as a public road can be located, north of Pettus Road and west of Blue Hole Road, requested by Jim Stinson of MEC, Inc., for Pine Oaks Properties Two, LLP, W. Dillard Wright, and James W. Barber and wife, abutting property owners. (Easements are to be retained).

Project No.	Mandatory Referral 2002M-064G-12
Project Name	Closure of portion of Old Preston Road
Council Bill	None
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Close a portion of an unbuilt road known as Old Preston Road, north of Pettus Road and west of Blue Hole Road. All easements are to be retained.

This road appears on the official street and alley maps as a "private road"; however, it is questioned as to whether that designation is correct. Prior to using this road (right-of-way) for development or other personal use, it was recommended to the applicant that the formal process of closing the road be carried out. The closing of this road is necessary for the previously approved Deer Valley subdivision (formerly Magnolia Hill subdivision, formerly Oak Highlands subdivision).

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners	Yes – and they match tax assessor information.
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**DEPARTMENT AND AGENCY
RECOMMENDATIONS**

Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-244

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-064G-12 is **APPROVED (7-0) with conditions.**"

23. 2002M-066U-10
 Taste of Tokyo Awning Aerial Encroachment
 Map 104-12, Parcel(s) 11
 Subarea 10 (1994)
 District 18 (Hausser)

A request to install an awning measuring 16 feet in length by 5.25 feet in height projecting 4.5 feet over the public sidewalk at 8 feet above the public sidewalk for the 'Taste of Tokyo' in Hillsboro Village, requested by Binlin Qin, owner of Taste of Tokyo.

Project No.	Mandatory Referral 2002M-066U-10
Project Name	Aerial Encroachment – Taste of Tokyo
Council Bill	None
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Construct awning over public sidewalk on 21st Avenue South for Taste of Tokyo, an existing restaurant in Hillsboro Village. Awning would encroach 4.5 feet over sidewalk at a height of 8 feet above sidewalk for a length of 16 feet along 21st Avenue South.

APPLICATION REQUIREMENTS

License to Encroach Agreement	Yes – one was submitted in correct form.
Insurance Certificate	Yes – one was submitted showing general liability in excess of \$1,000,000.

Property Owner Sign Application

SunTrust Bank is the owner of subject property. Although it has been Metro policy in the past, it is not required for the property owner to indemnify Metro against any loss. In this case, the bank did not choose to be a party to the license agreement or issue liability insurance. The tenant has signed the agreement and is providing coverage in excess of the Public Works' required amounts.

Tenant Sign Application	Yes
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DEPARTMENT AND AGENCY

RECOMMENDATIONS Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

Resolution No. 2002-245

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-066U-10 is APPROVED (7-0) with conditions."

OTHER BUSINESS

24. Amendment to Metro Planning Commission Rules of Procedure:
 General Plan Amendments and Update

Resolution No. 2002-246

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the amendment to Metro Planning Commission Rules of Procedure: General Plan Amendments and Update.”

26. Employee Contract for Richard C. Bernhardt

Resolution No. 2002-247

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Richard C. Bernhardt for two years, from June 1, 2002 through May 31, 2004.”

27. Employee Contract for Jennifer E. Regen (Deferred from meeting of 6/13/02)

Resolution No. 2002-248

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Jennifer E. Regen, for one year, From July 1, 2002 through June 30, 2003.”

28. Intern Contract for Lisa Johnson

Resolution No. 2002-249

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract from July 1, 2002 through August 31, 2002.”

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 2. 2001Z-077G-06**
 Council Bill No. BL2002-1102
 Map 141-00, Parcel(s) 69, 10; Map 140-00, Parcel(s)
 16, 69, 74, 75
 Subarea 6 (1996)
 District 35 (Lineweaver)

A council bill to rezone from AR2a and CS districts to RS10 district properties at 8161 Coley Davis Road, Newsom Station Road (unnumbered), and McCrory Lane (unnumbered), (264.39 acres), requested by Dale and Associates, appellant, for Michael and Diane Allison and Rhonda England, owners. (Deferred from meetings of 5/23/02 and 6/13/02).

Mr. Leeman stated staff recommends disapproval.

Project No.	Zone Change 2001Z-077G-06
Council Bill	BL2002-1102. July 2, 2002 Council Public Hearing

Associated Cases
Deferral

None.
Deferred at the May 23, 2002 Planning Commission meeting to allow staff more time to analyze the site's constraints, including steep topography, floodway, and floodplain.

Staff Recommendation

Disapprove the rezoning as contrary to the General Plan because it is in conflict with the Bellevue Community Plan's Natural Conservation (NC) land use policy, and recommend the council bill be amended to include the following conditions:

After the effective date of this ordinance,

- 1 No building permits for habitable structures on the property shall be issued until intersection improvements required by the Metropolitan Department of Public Works are completed and/or reflected on a final and recorded subdivision plat.*
- 2 No more than 264 building permits for habitable structures on the property shall be issued until the following infrastructure improvements are completed and/or reflected on a final and recorded subdivision plat:*
 - (a) If sole access is provided from McCrory Lane, McCrory Lane shall conform to the Department of Public Works' (DPW) pavement standard for a 4 lane scenic arterial from the subdivision entrance northwest to the I-40 interchange and shall conform to the DPW pavement standard for a 2 lane scenic arterial from the subdivision entrance southeast to the intersection with Poplar Creek Road;*
 - (b) If sole access is provided from either Coley Davis Road or Newsom Station Road, the road providing sole access shall conform to the Department of Public Works' pavement standard for the current street classification standard of the respective road.*
 - (c) If multiple access points are provided to the existing street system, a traffic impact study shall be performed by the developer and reviewed by the Department of Public Works and the Metropolitan Planning Commission to ascertain the appropriate standards, to which each existing street providing access must conform, to provide adequate capacity and distribution for the traffic generated by the project.*
- 9. No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential.*

APPLICANT REQUEST

AR2a (agricultural) and CS (commercial services) to RS10 (residential single-family) district

Existing Zoning

AR2a

AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes). Current zoning would permit 99 single-family lots.

CS

CS permits commercial uses including retail, consumer service, banks, office, and restaurants.

Proposed Zoning

RS10 zoning

RS10 permits 3.7 single-family residential dwellings per acre. Proposed zoning would allow 979 lots.

BELLEVUE COMMUNITY PLAN (SUBAREA 6)

Natural Conservation (NC)

Specific criteria are set out in the Land Use Policy Application document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

10. Some areas of NC policy are suitable for more intensive development, at up to 4 dwelling units per acre (Residential Low/Medium policy). These are lands that abut more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available.
11. Other areas of NC policy should be limited to very low density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.

Policy Conflict

Yes. The proposed rezoning conflicts with four policy directives for this area developed and endorsed by most participants in the Bellevue community planning process.

1. During the 2002 Subarea 6 Plan Amendment process, neighbors concluded that it was appropriate to maintain the current Natural Conservation (NC) land use policy. The rezoning site falls in the middle of an NC policy area as opposed to falling along its boundary; it is environmentally constrained, rural in character, lacks adequate transportation facilities, and, barring a connection to Coley Davis Road, is isolated from areas of urban-suburban development. The site's characteristics prescribe very low density residential development according to the application guidelines of the Natural Conservation policy.
2. Participants generally opposed the extension of Coley Davis Road over the Harpeth River, thereby maintaining this rezoning site in a remote and isolated condition.
3. Participants supported preserving the existing rural character of this area by protecting ridgelines, scenic roads, and environmentally sensitive areas (steep slopes, floodway/floodplains).
4. Subarea Plan Update participants strongly stated that new development in the Bellevue community should not be approved until substandard roads serving new development were improved to accommodate a development's traffic impact.

TRANSPORTATION SYSTEM

Subarea Plan Update participants indicated vigorously that new development in the Bellevue community should not be approved until existing substandard roads were improved to accommodate the development's traffic impact. This rezoning site has one currently available access point – to substandard McCrory Lane – plus two potential access points – one to Coley Davis Road by way of a new bridge across the Harpeth River, and a second by way of a new connector to Newsom Station Road. Along most of its length, McCrory Lane is designated on the Major Street Plan as a 2-lane Scenic Arterial (S2) calling for a maximum of two lanes. The S2 calls for 28-feet of pavement with 48-feet of right-of-way and 51-foot landscape easements on both sides of the road. As it approaches I-40, McCrory Lane is designated a 4-lane Scenic Arterial (S4). While a connection to Coley Davis Road would link the site to the urban/suburban area of Bellevue Center, citizens drafting the Bellevue Community Plan update have recommended against this connection.

This zone change will create an entitlement of 979 single-family homes, generating approximately 8,459 vehicle trips per day (VTD) based on a weekday average of 8.64 vehicle trips per single-family detached home (calculated from ITE sixth edition).

A traffic impact study (TIS) was prepared by the applicant assuming construction of 800 dwelling units and a connection to McCrory Lane, only. It identified intersection and I-40 interchange improvements needed to support the peak hour traffic generated by the development. The TIS indicated that widening of the ramps to and from Interstate 40 at McCrory Lane is needed, and that signalization at these junctions may also be needed. While the TIS assessed intersection performance it omitted analysis and recommendations for the lengths of road between intersections. As McCrory Lane fails to meet the pavement width standards for a 2-lane scenic arterial, a preliminary analysis of the carrying capacity of existing McCrory Lane was performed by the Metropolitan Planning Organization (MPO) technical staff. The findings of this preliminary analysis are evaluated based on driver delay caused by the inability of faster drivers to find opportunities to pass slower drivers. It is summarized as follows, and assumes a road built to the Metropolitan Public Works Department's standard for a 2-lane scenic arterial (although McCrory Lane currently fails to meet this standard).

1. If McCrory Lane is perceived by the driving public to function as a scenic arterial (such as the Natchez Trace Parkway), drivers are motivated to proceed slowly, enjoy the scenery, and are more tolerant of delays caused by slower moving vehicles ahead. Functioning as a scenic arterial under current traffic volumes, such a road performs at a Level of Service (LOS) of C at a.m. and p.m. peak hours. With the addition of trips from the proposed rezoning site at build-out, McCrory Lane is projected to function at LOS D at both a.m. and p.m. peak hours.
2. If, however, McCrory Lane is perceived by the driving public to meet a primary mobility need, such as accommodating home to work trips, drivers are motivated to proceed more quickly to their destination and are more aware of and frustrated by delays caused by slower moving vehicles ahead. Functioning as a mobility corridor, McCrory Lane is projected to function at LOS F in a.m. and p.m. peak hours with the addition of trips from the proposed rezoning site at build-out.

Traffic Engineer's Findings

1. Developer should submit a letter to TDOT requesting the improvements to interstate ramps be evaluated, as outlined in the TIS. TDOT will review their TIS and perform any additional analysis they deem necessary. Agreement will be reached between developer and TDOT as to what improvements will be required. Cost of improvements will be the responsibility of the developer.
2. New public roadway that provides access to project should have separate left and right turn lanes at McCrory Lane with at least 100 feet of storage.
3. New northbound right turn lane constructed on McCrory Lane at project roadway with at least 100 feet storage.
4. New southbound left turn lane constructed on McCrory Lane at project roadway with at least 200 feet storage.
5. Traffic signal at the intersection of project roadway and McCrory Lane. The TIS predicts operation of this intersection at LOS D upon build-out.

SCHOOLS

Students Generated

126 Gower Elementary 75 Hill Middle
80 Hillwood High School

Schools Over/Under Capacity

The Metro School Board has not identified any of these schools as being over capacity at this time. However proportional to the development's student generation potential, a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students should be offered for dedication to the Metro Board of Education as a condition of zoning approval.

**RECOMMENDED
DEVELOPMENT SCENARIOS
(rural cluster or conservation subdivision)**

These scenarios describe several options under which the subject property could be developed in compliance with the Bellevue Community Plan’s NC policy and road access constraints.

1. Using an RS40 or R40 zoning classification, a cluster development could accommodate 245 homes clustered on ½ acre lots, occupying approximately 113 acres of easily developable land and maintaining the environmentally constrained slopes and floodplain in their natural conditions.
2. Under a “conservation subdivision” proposal being developed by planning staff, a base zoning of similar low density could accommodate approximately 264 homes clustered more economically, on smaller lots, and preserve not only the environmentally constrained slopes and floodplain, but important viewsheds as well. A conservation subdivision is a zoning/subdivision vehicle for permitting hamlets or villages with a rural flavor, compactly designed to reduce infrastructure costs and at the same time maximize preserved land, minimize environmental damage from development, and maintain rural views in perpetuity. The conservation subdivision concept was introduced during the Bellevue Community Plan process, and drew wide interest from neighbors and developers, alike.
3. If a developer sought to proceed immediately with a conservation subdivision concept, a Planned Unit Development overlay district or an Urban Design Overlay district, designating low gross density and compact design, could be placed over an appropriate underlying zoning district and accomplish the principle objectives of conservation subdivision, today.

The policy direction from the Bellevue Community Plan integrates the NC land use policy’s application with the community’s preference to maintain McCrory Lane as a scenic arterial, at 2 lanes along most of its length. Any of the scenarios described above would meet the plan’s objectives.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that significant portions of the property contain steep slopes [slopes 20% or greater] and/or areas encompassed by the official floodplain maps, the following subdivision standards may materially affect the development yield and the form of development on the site.

1. Zoning Ordinance Section 17.28.030 – Hillside development standards
2. Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards
3. Subdivision Regulation 2-3 – Suitability of the land
4. Subdivision Regulation 2-7.5 – Open Space Conservation Easements
5. Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

6. “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).
7. “For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a

- natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).
8. In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).
 9. “For lots of less than one acre, land area designated as natural floodplain or floodway shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).
 10. Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state.” 17.28.040(A)(2) (emphasis added).

Mr. Roy Dale proposed a new plan with RS15 rather than RS10, which would protect the slopes and would reflect the desires of the community.

Councilmember Bob Bogen stated he has had numerous calls regarding the impact on Newsome Station Road from this proposal.

Mr. Bernhardt stated the developer has stated they intend to access McCrory Lane, but there is nothing to stop him from accessing Newsome Station Road.

Mr. Dave Wilson, representing Mike Allison, property owner, recapped the history of the plan for this development. He questioned how this development, using the same information could drop from 1,100 homes to 200 homes.

Mr. Mike Allison, property owner, spoke in favor of the proposal and stated there are no objections from the community. The only objections have been from staff. He asked for approval.

Perry Johnson, attorney, spoke in favor of Mr. Dale’s proposal and stated part of the property is zoned CS and he would like to get rid of that.

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

Mr. Bernhardt stated the fundamental difference of the 1,100 unit mix use development was the access to Coley Davis Road.

Mr. Clifton stated he had concerns regarding connectivity, and asked how many traffic trips the project would generate.

Mr. Bernhardt stated it would be around 5,600 trips per day.

Mr. Dale asked that no restrictions be placed on connectivity and access.

Mr. McLean stated he agreed with Mr. Johnson regarding getting rid of the CS zoning in this area.

Vice Chairman Small stated the Commission needs to remember there has been a great deal of work done between Mr. Dale and staff to come up with something the community wants and stated this is strictly a rezoning.

Ms. Jones expressed agreed with Mr. Small.

Ms. Jones moved to approve staff recommendation of disapproval, but not as contrary to the General Plan, and recommend approval of Mr. Dale’s proposal of RS15 with the same conditions.

Mr. Clifton questioned condition number 3, which is to donate land for a school and stated the Commission should not mandate that.

Chairman Lawson stated it is not a mandate it is a condition.

Mr. Bernhardt explained staff’s reasoning for that condition.

Vice Chairman Small commended staff for their work with the community.

Chairman Lawson seconded Ms. Jones’ motion to approve, which carried unanimously, to approve the following resolution:

Resolution No. 250

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-077G-06 is **DISAPPROVED (7-0) RS10, but recommended to Council that RS15 would be a more appropriate zoning district; recommended Council bill amendments for traffic mitigation and school site dedication:**

The proposed RS10 district is not consistent with the intent of the Subarea 6 Plan’s Natural Conservation (NC) policy calling for very low-density residential development that will serve to protect the environmentally sensitive features of the NC area. The RS15 district is more appropriate, since it is in line with the emerging zoning pattern in this NC policy area. The council bill should be amended with conditions that roads being accessed are improved to Metropolitan Department of Public Works standards, a traffic impact study is submitted with development if multiple roads are accessed, and an elementary school site is offered for dedication."

Councilmember-At-Large Carolyn Tucker stated it was nice to see how many people come to these meetings to take an active part in Nashville, and encouraged them to continue.

- 3. 2002Z-058U-11**
- Map 105-16, Parcel(s) 258, 259
- Subarea 11 (1999)
- District 16 (McClendon)

A request to change from R6 district to CS district properties at 336 Vivelle Avenue and Vivelle Avenue (unnumbered), (.34 acres), requested by Virginia B. Sherling, appellant, for Randolph R. Sherling, Sr. et ux and Sherlin Limited Partnership, owners.

Mr. Hardison stated staff recommends disapproval.

Project No.	Zone Change 2002Z-058U-11
Council Bill	N/A
Associated Cases	None.
Staff Recommendation	

Disapprove. CS zoning is appropriate for the Subarea 11 Plan's commercial (CAE) policy, but the intent of the Subarea 11 Plan was not to encroach into the residential areas to the east of the CAE policy area. In addition, if a council bill is filed for this zone change, bill should include a condition requiring Vivelle

Avenue to be upgraded to local non-residential street standards with 37 feet of pavement from the eastern boundary of the property to Nolensville Pike.

APPLICANT REQUEST

Residential (R6) to Commercial Services (CS)

Existing Zoning

R6 zoning

Single-family and duplex residential at 6.17 dwelling units per acre.

Proposed Zoning

CS zoning

Retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 11 PLAN

Policy

Commercial Arterial Existing (CAE)

CAE policy recognizes existing areas of "strip commercial" along arterial streets.

Policy Conflict

Yes. Although the subarea policy map shows these two properties as being within CAE policy, the existing commercial pattern fronts Nolensville Pike. Generally, the commercial pattern along an arterial street is constrained to properties that front on the arterial street. In this case there is a property that fronts on a side street that is zoned CS (98Z-091U). The CS property (parcel 254) is slightly west of these properties. That property was rezoned from R6 to CS district in 1998 with approval from planning staff and the Planning Commission. At the time of that rezoning, staff stated : *"Extending CS to the eastern edge of this property (parcel 254) is appropriate to provide similar commercial depth as the property across the street (parcel 257 on Vivelle Avenue)."* By rezoning parcel 254 in 1998 the planning staff and the Commission effectively drew the line for commercial zoning not to extend further into the residential area to the east of Nolensville Pike.

RECENT REZONINGS

Yes. MPC approved on 5/28/98 (98Z-091U) rezoning parcel 254 from R6 to CS. Council approved on 7/24/98 (O98-1253).

TRAFFIC

Based on typical uses in CS zoning such as automobile sales, auto care center, retail, and fast-food restaurant, approximately 13 to 1,837 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic for a local non-residential street.

Traffic Engineer's Recommendation

Disapprove. This property does not have access to Nolensville Pike and Vivelle Avenue is a residential local street with 24 feet of pavement. Commercial development requires a minimum standard pavement width of 37 feet for a local non-residential street.

Ms. Ruth Binkley, representing Virginia Sherling, applicant, spoke in favor of the proposal, stated they owned adjoining property on Nolensville road and someday may put a warehouse in there.

Mr. Alan Mingledorf, Ms. Virginia Wintree, Ms. Nancy Campbell, area residents, spoke in opposition to the proposal and expressed concerns regarding safety, traffic, cut through traffic, run down property, invasion of privacy and the inadequate road.

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

Mr. Small stated the intent is not to expand commercial property that does not abut Nolensville Road, but in this case, with the applicant owning the adjacent property that does abut Nolensville Road, the question is how far the encroachment is allowed to go into the residential neighborhood.

Ms. Nielson stated it is important to maintain moderate priced housing.

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to disapprove.

Resolution No. 2002-251

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002-058U-11 is **DISAPPROVED (7-0)**:

The proposed CS zoning is not appropriate for the Subarea 11 Plan's commercial (CAE) policy in this instance since the intent of the plan was not to encroach into the residential areas to the east of the CAE policy area. Since these properties do not front the commercial corridor, Nolensville Pike, it is inappropriate for commercial zoning to move further into the residential neighborhood. In addition, if a council bill is filed for this zone change, bill should include a condition requiring Vivelle Avenue to be upgraded to local non-residential street standards with 37 feet of pavement from the eastern boundary of the property to Nolensville Pike."

4. 2002Z-059G-14
Map 097-00, Parcel(s) 141
Subarea 14 (1996)
District 12 (Ponder)

A request to change from R10 district to CS district property at Bell Road (unnumbered), abutting the west margin of Old Hickory Boulevard, (4.42 acres) requested by Stephen Bode of New Heights Community Church, appellant, for Max Investments, owner.

Mr. Hardison stated staff recommends disapproval.

Project No.	Zone Change 2002Z-059G-14
Council Bill	N/A
Associated Cases	None
Staff Recommendation	

Disapprove as contrary to the General Plan. CS zoning does not implement the Subarea 14 Plan's residential (RMH) policy. Plan calls for area's residential character to remain. In addition, if a council bill is filed for this zone change, the bill should include a condition requiring that Old Hickory Boulevard be upgraded to the Department of Public Works' (DPW) 4-lane scenic arterial standard and Bell Road be upgraded to DPW's 2-lane scenic arterial road standard with 150 foot right-of-way for both roads, for consistency with the Metro Traffic Engineer's findings.

APPLICANT REQUEST Residential (R10) to Commercial Services (CS)

Existing Zoning

R10 zoning	Single-family and duplex residential at 3.7 dwelling units per acre.
Proposed Zoning CS zoning	Retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 14 PLAN

Policy

Residential Medium High (RMH) RMH permits 9 to 20 units per acre.

Policy Conflict

Yes. CS zoning does not implement residential policy. Property is surrounded by residential uses to the east and west, Percy Priest Lake to the south. Ample office and commercial opportunities exist in an undeveloped and underutilized commercial planned unit developments around the I-40/Old Hickory Boulevard interchange.

RECENT REZONINGS

No.

TRAFFIC

Based on typical uses in CS zoning such as office, retail, sit-down restaurant, or fast-food restaurant, approximately 160 to 2,480 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Recommendation

Approve with conditions. Both Old Hickory Boulevard and Bell Road along this parcel currently are two lane roads with an 87 foot right-of-way and a pavement width of 25 feet. Old Hickory Boulevard is intended to be a scenic arterial with four lanes and an 150 foot right-of-way with 96 feet of pavement. Bell Road is intended to be a scenic arterial with two lanes and an 150 foot right-of-way with 28 feet of pavement. Along Old Hickory Boulevard and Bell Road the applicant should dedicate 31.5 feet of right-of-way.

Councilmember Phil Ponder stated he had heard from four members of the community and they are all opposed to this. He expressed concerns regarding the road situation and that there are no plans in place.

Mr. Stephen Bode, Pastor for New Heights Community Church stated he felt the church had the right to this request. This is a five to ten year plan to buy this property and expand, and in the future market this property and move to another location.

Ms. Patricia Benning and Ms. Geraldine Mayo, area residents, spoke in opposition to the proposal and complained this development would destroy the view from their apartment balconies.

Mr. Wallace Elmore spoke in opposition and echoed staff's concerns and expressed concerns regarding traffic and safety.

Mr. Clifton stated the church could be constructed without the zone change.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan.

Resolution No. 2002-252

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-059G-14 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The proposed CS zoning does not implement the Subarea 14 Plan's residential medium high (RMH) policy calling for 9 to 20 residential dwelling units per acre. In addition, if a council bill is filed for this zone change, the bill should include a condition requiring that Old Hickory Boulevard be upgraded to the Major Street Plan's 4-lane scenic arterial standard and Bell Road be upgraded to DPW's 2-lane scenic arterial road standard with 150 foot right-of-way for both roads, for consistency with the Metro Traffic Engineer's findings."

- 5. 2002Z-060U-03**
- Council Bill No. BL2002-1101
- Map 071-01, Parcel(s) 57, 60, 64, 65, 71, 72
- Subarea 3 (1998)
- District 2 (Black)

A council bill to rezone from RS7.5 district to RM4 district properties at Winstead Avenue (unnumbered), Monticello Street (unnumbered), and West Trinity Lane (unnumbered), (4.15 acres), requested by John and Judy Newell, appellant, for Joseph Herrod et al, owners.

Mr. Hardison stated staff recommends approval with conditions.

Project No.	Zone Change 2002Z-060U-03
Council Bill	BL2002-1101. July 2, 2002 Council Public Hearing
Associated Cases	None.
Staff Recommendation	

Approve with conditions subject to traffic improvements. In addition, a council bill has been filed for this zone change, and a bill amendment is recommended to ensure that parcels 57, 60, and 65 do not develop until Winstead Avenue is constructed to a minor local road with 46 feet of right-of-way to allow access to parcels 60 and 65, and Woodridge Drive is extended to Winstead Avenue in order to provide road frontage for parcel 57, for consistency with the Metro Traffic Engineer's findings.

APPLICANT REQUEST	Residential Single-Family (RS7.5) to Residential Multi-Family (RM4).
Existing Zoning RS7.5 zoning	Single-family residential at 4.94 dwelling units per acre.
Proposed Zoning RM4 zoning	Single-family, duplex, and multi-family residential at 4 dwelling units per acre.

SUBAREA 3 PLAN

Policy Residential Low Medium (RLM)	Parcel 57 is within the RLM policy, which permits 2 to 4 dwelling units per acre.
Commercial Arterial Existing (CAE)	Parcels 60, 64, 65, 71, 72 are within the CAE policy, which recognizes existing areas of "strip commercial" along arterial streets.

Policy Conflict

Lot frontage and lot area are not consistent with the majority of lots in the comparability study. The minimum lot frontage allowed by the comparability study is 89 feet. The applicant has provided frontages of 75.77 feet on both proposed lots. The minimum lot size allowed by comparability is 16,477.14 sq. ft. The applicant has provided lots sizes of 14,853 sq. ft. and 68,405 sq. ft.

Recommendation

Approve variances for lot dimensions and lot comparability. This plat brings the property closer compliance with zoning than currently exists. Additionally, the plat allows the future potential to run a street into lot 2 from Snow Avenue and subdivide that lot into several lots bringing the property into further compliance with zoning.

Sidewalks (Section 2-6.1)

Applicant has requested a sidewalk variance along

Snow Avenue for lot 2 because there is a drainage ditch and large trees that run along the front of the property, and the lack of sidewalks in the area. A sidewalk is not required on lot 1 because it has an existing house. Applicant would prefer to leave the area where the sidewalk would be required in its natural state.

Sidewalk Construction Report from Public Works

This property lies along the east side of Snow Avenue. The road at this location has 21 feet of pavement and a 1.5-foot shoulder. There is a steep drainage ditch with tall hedgerow along this property.

Sidewalk Construction

A detailed site survey and drainage study may reveal other items than those listed herein.

The proposed 5 foot wide sidewalk would be 75 feet in length. Snow Avenue will require curb and gutter to be installed along with a 4 foot grass strip between the back of curb and front of walk. One concrete driveway ramp will be required. Drainage improvements (piping the open ditch) will be necessary along with probable removal of the existing hedgerow.

Recommendation

From the Public Works report, it appears that a sidewalk can be constructed along Snow Avenue and that there is no condition of the property that creates a physical hardship.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

The following conditions need to be satisfied prior to final plat recordation:

- a. The Subdivision Number 2002S-126G-04 needs to be added to the plat.
- b. A purpose note needs to be added to the plat.
- c. Add the note, " Individual water and sanitary sewer lines are required for each lot.
- d. The standard excavation note needs to be added, "Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 and approved by the Metropolitan Department of Public Works.
- e. Show drainage easements for existing pipes, culverts or ditches along Snow Avenue.
- f. Add the following note, "Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in the Metro right of way is 15" CMP.)"

Ms. Cummings asked if any other sidewalks are in the area.

Ms. Fuller stated there are not.

Mr. Rocky Montoya stated he was present to answer any questions the Commission might have.

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing and approve staff recommendation.

Resolution No. 2002-254

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-126G-04, is **APPROVED WITH CONDITIONS WITH VARIANCE TO 3 X RULE FLAG SHAPED LOT DEPTH TO WIDTH RATIO LOT COMPARABILITY (6-0).**”

Staff recommends approval of the final plat with conditions of variances for lot depth to width ratio (4:1 rule), 3 times rule, lot comparability, and flag-shaped lot and a revised final plat prior to recordation that shows the following:

1. The Subdivision Number 2002S-126G-04 needs to be added to the plat.
2. A purpose note needs to be added to the plat.
3. Add the note, “ Individual water and sanitary sewer lines are required for each lot.
4. The standard excavation note needs to be added, “Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 and approved by the Metropolitan Department of Public Works.
5. Show drainage easements for existing pipes, culverts or ditches along Snow Avenue.
6. Add the following note, “Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in the Metro right of way is 15” CMP.)”
7. A note that reads as follows, “Sidewalk construction on lot 2 will be required with the issuance of a building permit.”

10. 2002S-162U-13
 TOWN PARK ESTATES, Resubdivision of Lot 69
 Map 135-01, Parcel(s) 095
 Subarea 13 (1996)
 District 27 (Sontany)

A request for final plat approval to subdivide one lot into two lots, with a sidewalk variance along Southwind Drive, abutting the south margin of Southwind Drive, approximately 175 feet west of Ladybird Drive, (.88 acres), classified within the R10 district Airport Impact Overlay District, requested by Barbara Gayle Jagers, owner/developer, Galyon Northcutt, surveyor.

Mr. Mitchell stated staff recommends approval with conditions.

Project No.	Subdivision 2002S-162U-13
Project Name	Town Park Estates, Resubdivision of Lot 69
Associated Cases	None
Staff Recommendation	<i>Approve with conditions subject to a sidewalk variance along the south margin of Southwind Drive and a revised plat prior to recordation.</i>

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Resubdivide lot 69, in the Town Park Estates subdivision, into two (2) lots.

ZONING

Existing Zoning

R10 district requiring minimum lot size of 10,000 sq. ft. Proposed lots meet zoning requirement by providing a 25,222 sq. ft. lot and a 12,926 sq. ft. lot.

Overlay Zone

Property located south of the Nashville International Airport within the Airport Impact Overlay Zone.

SUBDIVISION VARIANCES

Sidewalks (Section 2-6.1)

Sidewalk required along the south margin of Southwind Drive fronting newly created lot 2. Public Works has indicated that Southwind Drive will require additional pavement width of 1.5 feet for approximately 65 feet along the subject property. This will increase the distance from the centerline to the edge of pavement from 10 feet to 11.5 feet. Additionally, curb and gutter along with a 4 foot grass strip and a concrete driveway ramp and handicap ramp will be required.

Recommendation

Approve. A section of sidewalk 65 feet in length will require a major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk is inconsistent with good planning and design principles.

TRAFFIC ENGINEER’S FINDINGS

Approve.

CONDITIONS

Prior to plat recordation, the following corrections need to be made to this resubdivision plat:

- 11. Add the required 20 foot public utility easement to both lots along Southwind Drive.
- 12. Add new parcel number (103) to the newly created lot two (2).

Mr. Gaylon Northcut, surveyor, spoke in favor of the proposal and stated it would cause the property owner unjust cost for the sidewalk.

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

Resolution No. 2002-255

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-162U-13, is **APPROVED WITH CONDITIONS WITH SIDEWALK VARIANCE ALONG SOUTHWIND DRIVE (6-0).**”

Staff recommends approve with conditions subject to a sidewalk variance along the south margin of Southwind Drive and a revised plat prior to recordation reflecting the following corrections:

- 1. Add the required 20-foot public utility easement to both lots along Southwind Drive.
- 2. Add new parcel number (103) to the newly created lot two (2).”

FINAL PLAT SUBDIVISIONS

11. 99S-097U-12
 VILLAGES of BRENTWOOD, Phase 11
 Map 161-10-B, Parcel(s) 155-206
 Subarea 12 (1997)
 District 32 (Jenkins)

A request to revise the preliminary and final plat to remove the sidewalk requirement from all public streets within this subdivision phase, and extend the letter of credit from December 27, 2002 to June 27, 2003, abutting the southwest margin of Village Way, approximately 115 feet southeast of English Village, (16.25), classified within the R10 Residential Planned Unit Development District, requested by Grandview Land Company, Inc., owner/developer, Dale & Associates, Inc., surveyor.

Ms. Hammond stated staff recommends disapproval.

Project No.	Subdivision 99S-097U-12
Project Name	Villages of Brentwood, Phase 11
Deferral	Deferred May 9, 2002 to re-evaluate developer's request for sidewalk variance.
Staff Recommendation	<i>Disapprove the request for sidewalk variance.</i>
APPLICANT REQUEST	Variance to remove all existing sidewalks within the Villages of Brentwood development (Phase 11).

PROJECT DETAILS

Background

Roy Dale of Dale & Associates submitted a sidewalk variance request on behalf of his client, Grandview Land Company, Inc., the developer of this residential subdivision. The sidewalk variance was initially considered by the Planning Commission on December 6, 2001, and was deferred until May 9, 2002, at which time it was deferred for further information. The developer has a performance agreement with Metro Government for the public infrastructure (including sidewalks) to be constructed to Metro standards. On June 13, 2002, the Planning Commission extended the irrevocable letter of credit (bond) for this performance agreement in the amount of \$235,000.

PROJECT DETAILS

Sidewalk Variance

As constructed, the sidewalks and driveway ramps create two problems: 1) the slopes of many of the driveways do not conform to standards to allow the sidewalk path of travel to cross though the ramp with a maximum cross slope of 2% towards the street; and 2) the slopes of some driveway ramps allow stormwater runoff to divert from the gutter down the driveways toward the homes. If the driveway ramps and sidewalks were constructed to Public Works standards, water from the public right-of-way would drain away from the homes not toward them, as water now does based on how these improvements were constructed.

STAFF RECOMMENDATION

Disapprove sidewalk variance since had the sidewalks been constructed per the approved construction plans, the sidewalks and driveway ramps would comply with Metro standards. By constructing the driveway ramps first, and then constructing the sidewalks and streets to match the ramps, the developer created the current situation. This self-created hardship will require reconstructing sidewalks, driveway ramps, and modifying the grade of some lots to correct the problems. To do this, the developer will have to work with individual homeowners to gain access to their private property. If Metro is to assume public maintenance of these roads, then the sidewalks must be constructed to Metro standards as shown on the approved construction plans. Approval of a sidewalk variance in this development would be precedent setting. There are several other developers in a similar situation with sidewalks and driveway ramps that do not comply with Metro standards. The following table is a breakdown of the costs estimated by Public Works and Water Services to complete the work.

METRO PUBLIC WORKS:

Amount	Type	Comment
\$ 20,000	Paving	Asphalt Surface
\$ 20,000	Administrative Costs	Legal, engineering, inspection and right-of-way fees
\$165,000	Sidewalks	1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps
\$205,000	TOTAL	

METRO WATER SERVICES:

Amount	Type	Comment
\$ 20,000	Stormwater Drainage	Complete 1 detention pond
\$ 10,000	Casting Adjustments	Adjusting castings to final pavement.
\$ 30,000	TOTAL	

\$235,000 GRAND TOTAL

Mr. Brian Solomon presented a petition he and his neighbors signed in favor of removing the sidewalks and not replacing them.

Mr. Brian Solomon Mr. Tim Ryder, Ms. Julia Corrigan, Robert Debski spoke in favor of removing the sidewalks and not replacing them, and expressed concerns regarding property depreciation, entering and exiting the driveways, and water runoff.

Mr. Tom White, representing the applicant, asked the Commission to grant this sidewalk variance to the Subdivision Regulations.

Mr. Ken Liberatore, president of the homeowners association, stated he did not sign the petition and that he is neither for nor against replacing the sidewalks. There should be some compensation to the homeowners from Fox Ridge.

Chairman Lawson stated the Commission had no authority over that.

Mr. Frank Ingram, Grandview Land Company, Inc., stated he had attended all of these meetings and that he is very concerned.

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

Mr. McLean stated the people that have spoken today seem adamant they do not want the sidewalks replaced.

Mr. McLean moved that the sidewalks be taken out and replace with sod.

Ms. Cummings stated she would vote with the staff recommendation of disapproval.

Vice Chairman Small stated it was clear from each homeowner that spoke they felt they should be compensated. Mr. White said for us not to punish the homeowners, but it seems as the developer is punishing the homeowner by asking us to grant a variance.

Ms. Phillips stated Public Works is trying to correct the drainage. Taking the sidewalks out and putting in sod will not take care of the drainage problem. Public Works has not met with the neighbors and have not drawn up a plan to correct the problem.

Mr. Bernhardt stated Metro is not responsible for developing the plans until a decision is made.

Ms. Jones stated complications would be in 20 different circumstances. With homes, roads and driveways already built there is a limit to what can be done.

Vice Chairman Small stated that if this sidewalk variance is granted would that impact homeowners getting compensation.

Ms. Nielson asked that if their damage is worsened what recourse do they have.

Mr. Fox stated that would be a private claim and that we can't dispense legal advice. Metro can't be in the business of accepting substandard roads.

Mr. White stated granting a variance will not affect the claims the homeowners have.

Ms. Jones seconded Mr. McLean's motion, which carried with Ms. Cummings and Vice Chairman Small in opposition to approve the following resolution:

Resolution No. 2002-256

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 99S-097U-12, is **APPROVED (4-2).**”

12. 2002S-084G-04
W. C. HALL LAND
Map 043-04, Parcel(s) 028
Subarea 4 (1998)
District 11 (Brown)

A request for a sidewalk variance along Swinging Bridge Road for lot #2, abutting the northwest corner of Hickman Street and Swinging Bridge Road, (.52 acres), classified within the R10 district, requested by W. C. and Mattie T. Hall, owners/developers, Campbell, McRae and Associates Surveying Inc., surveyor.

Mr. Hardison stated staff is recommending approval.

Project No.
Project Name
Associated Cases

Subdivision 2002S-084G-04
W.C. Hall Land

Yes. This case was previously considered and approved subject to sidewalk construction by the Planning Commission April 25, 2002.

Staff Recommendation

Approve with conditions subject to sidewalk variance on Swinging Bridge Road.

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat

Final Plat

A sidewalk variance along property's frontage on Swinging Bridge Road.

ZONING

R10 district requiring minimum lot size of 10,000 sq. ft.

VARIANCES TO SUBDIVISION REGULATIONS

Sidewalks(Section 2.6.1)

Sidewalk required for frontage of lot 2 on Swinging Bridge Road. Public Works has indicated that in order to construct sidewalks along Swinging Bridge Road, the property owner will be required to widen Swinging Bridge Road 2.5 feet along the entire length of lot 2, approximately 123 feet. Widening the road would require the raising of utility meters, manholes, and relocation of several utility poles.

Recommendation

Approve.

Widening the road for the short distance along Lot #2's frontage on Swinging Bridge Road is inconsistent with good planning and design principles.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS 1. The Planning Commission must approve a sidewalk variance along lot 2's frontage on Swinging Bridge Road.

Mr. John Good, surveyor, asked for approval.

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

Resolution No. 2002-257

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-084G-04, is APPROVED WITH VARIANCE FOR SIDEWALK ON SWINGING BRIDGE ROAD (6-0)."

PLANNED UNIT DEVELOPMENTS (revisions)

14. 47-86-P-02
Brick Church Business Center
Map 50-10, Parcel(s) Pt. Of 1
Subarea 2 (1995)
District 2 (Black)

A remand from Davidson County Chancery Court Part One for the purposes of making particularized findings of fact and conclusions of law to be filed with the court by July 1, 2002 in the case of Pinnacle Media, LLC v. Metropolitan Government, case No. 01-1850-I, regarding originally a request to revise the preliminary plan and for final approval for a portion of the Industrial Planned Unit Development located abutting the south margin of Brick Church Lane east of Interstate 24, classified IWD, (.05 acres), to permit the addition of a 50 foot tall, 672 square foot monopole billboard. This remand was ordered by Chancellor Irvin H. Kilcrease, Jr., Chancellor for Davidson County Chancery Court Part One, on May 31, 2002.

Project No. **Planned Unit Development 47-86-P-02**
Project Name **Brick Church Business Center**
Associated Cases None.

History

This item was disapproved by the Planning Commission on April 12, 2001. Pinnacle Media LLC filed a lawsuit against the Metropolitan Planning Commission of the Metropolitan Government of Nashville and Davidson County. The judge remanded this case back to the Planning Commission “to make particularized findings of fact and conclusions of law and file the same with the court within 30 days.”

Staff Recommendation *Approval of findings of fact listed below.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Request to revise a portion of the preliminary PUD plan and for final approval to allow the addition of a 50-foot tall, 672 square-foot, double-sided, monopole, type II billboard.

FINDINGS OF FACT

1. This is a request for approval of the installation of a billboard in a previously-existing Planned Unit Development (“PUD”) known as the Brick Church Business Center PUD, 47-86-P-02.
2. The billboard, as proposed, is to be a 50 foot tall, 672 square foot, double-sided, monopole, Type II Billboard.
3. This request is for the revision of (also known as a “minor modification”), not the amendment of, the preliminary PUD plan and for final approval for a portion of the Brick Church Business Center PUD.
4. The Metropolitan Council originally approved the Brick Church Business Center PUD, 47-86-P-02 in 1987.
5. The master plan for Brick Church Business Center PUD, 47-86-P-02, does not call for billboards.
6. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would alter the basic development concept of the PUD and would thus be more than a simple revision (or minor modification); it would be an amendment to the PUD.
7. The proposed billboard is a 672 square foot, 50-foot tall, double-side Type II Billboard (as outlined in Section 17.32.150 of the Metropolitan Zoning Ordinance of Nashville and Davidson County-Title 17). The billboard is proposed approximately 50 feet from the northern property line of along Brick Church Lane, approximately 180 feet from the I-24 right-of-way. The billboard is proposed to be oriented toward Interstate 24.
8. The Subarea 2 Plan states: “IND (Industrial and Distribution) policy applies here in recognition of an existing zoning commitment for an industrial park that was under development at the time this plan was adopted. The IND area is not intended to extend beyond the boundaries of the industrial zoning. Because of its proximity to existing and emerging residential areas, intensive industrial uses are not appropriate.” See Section 3.42, “Land Use Policy Plan”, sub-section C. For Policy Area 9B, Industrial Park off Brick Church Pike and Brick Church Lane.
9. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would, in essence, extend the IND area beyond the boundaries of the base zoning for the PUD by extending the visual effects of such a large billboard upward and outward beyond what was intended as IND area.

10. The addition of a billboard in this location visually extends the effects of non-residential zoning into the existing and emerging residential areas described in the policy statement for area 9B, by the fact of the billboard's visual intrusion.
11. This billboard will create unnecessary visual clutter and will impact the rural quality still existing to the east.
12. Although not oriented toward Brick Church Lane, adding a 50-foot tall billboard will also be visually intrusive to motorists along Brick Church Lane who live in the nearby residential neighborhood on the west side of I-24.

Mr. Fox stated the Commission is ordered by the Court to review this case. He explained the history of the proposal. This is not a public hearing and Mr. Leeman and Mr. Bob Hannon will only be allowed to present facts that were presented at previous meetings.

Ms. Nielson suggested not rehearing staff's presentation because Mr. Fox and Mr. Leeman have provided written copies of the Commission's previous findings.

Mr. Bob Hannon presented the Commission with a packet and described the items included in that packet.

Nielson moved and Cummings seconded the motion to approve the finding of facts.

Resolution No. 2002-258

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 47-86-P-02 is given **APPROVE FINDINGS OF FACT (6-0)**. The following conditions apply:

A RESOLUTION DISAPPROVING A REQUEST TO REVISE A PORTION OF THE PRELIMINARY PLANNED-UNIT DEVELOPMENT PLAN AND FOR FINAL APPROVAL FOR A PORTION OF THE PLAN TO ALLOW THE ADDITION OF A 50-FOOT TALL, 672 SQUARE-FOOT, DOUBLE-SIDED, MONOPOLE, TYPE II BILLBOARD.

WHEREAS, this case originally came before the Metropolitan Planning Commission on April 12, 2001 as a request to revise a portion of the preliminary planned-unit development plan and for final approval for a portion of the plan to allow the addition of a 50-foot tall, 672 square-foot, double-sided, monopole, Type II billboard; and,

WHEREAS, on April 12, 2001, the Planning Commission denied the request after a full hearing on the matter; and,

WHEREAS, the applicant, PINNACLE MEDIA, LLC, petitioned the Chancery Court of Davidson County for a review of the Planning Commission's decision in this case, now bearing Chancery Court Case No. 01-1850-I; and,

WHEREAS, by order of the court entered on May 31, 2002, this case was remanded back to the Planning Commission for the purposes of making particularized findings of fact;

BE IT RESOLVED BY THE METROPOLITAN PLANNING COMMISSION that it hereby makes the following findings of fact:

1. This is a request for approval of the installation of a billboard in a previously-existing Planned Unit Development (“PUD”) known as the Brick Church Business Center PUD, 47-86-P-02.
2. The billboard, as proposed, is to be a 50 foot tall, 672 square foot, double-sided, monopole, Type II Billboard.

3. This request is for the revision of (also known as a “minor modification”), not the amendment of, the preliminary PUD plan and for final approval for a portion of the Brick Church Business Center PUD.
4. The Metropolitan Council originally approved the Brick Church Business Center PUD, 47-86-P-02 in 1987.
5. The master plan for Brick Church Business Center PUD, 47-86-P-02, does not call for billboards.
6. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would alter the basic development concept of the PUD.
7. The proposed billboard is a 672 square foot, 50 foot tall, double-side Type II Billboard (as outlined in Section 17.32.150 of the Metropolitan Zoning Ordinance of Nashville and Davidson County-Title 17). The billboard is proposed approximately 50 feet from the northern property line of along Brick Church Lane, approximately 180 feet from the I-24 right-of-way. The billboard is proposed to be oriented toward Interstate 24.
8. The Subarea 2 Plan states: “IND (Industrial and Distribution) policy applies here in recognition of an existing zoning commitment for an industrial park that was under development at the time this plan was adopted. The IND area is not intended to extend beyond the boundaries of the industrial zoning. Because of its proximity to existing and emerging residential areas, intensive industrial uses are not appropriate.” See Section 3.42, “Land Use Policy Plan”, sub-section C. For Policy Area 9B, Industrial Park off Brick Church Pike and Brick Church Lane.
9. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would, in essence, extend the IND area beyond the boundaries of the base zoning for the PUD by extending the visual effects of such a large billboard upward and outward beyond what was intended as IND area.
10. The addition of a billboard in this location visually extends the effects of non-residential zoning into the existing and emerging residential areas described in the policy statement for area 9B, by the fact of the billboard’s visual intrusion.
11. This billboard will create unnecessary visual clutter and will impact the rural quality still existing to the east.
12. Although not oriented toward Brick Church Lane, adding a 50-foot tall billboard will also be visually intrusive to motorists along Brick Church Lane who live in the nearby residential neighborhood on the west side of I-24.

BE IT FURTHER RESOLVED THAT:

1. For the foregoing reasons, as described in the detailed findings of fact above, the request for revision to the preliminary and final PUD plan for the addition of the proposed billboard is disapproved.
2. This Resolution shall take effect immediately upon its adoption, *nunc pro tunc*, April 12, 2001.

16. 2001P-010G-06

RiverBridge Community (formerly Autumn Springs)
 Map 141, Parcel(s) 12
 Subarea 6 (1996)
 District 35 (Lineweaver)

A request to revise the preliminary and for final PUD approval for phases 1A, 1B and 2B of the Planned Unit Development located abutting the south margin of Coley Davis Road, 250 feet west of Donna McPherson Drive, classified RM4, (43.56 acres), to permit the development of 97 single-family lots and

198 condominium units, replacing 97 single-family lots and 200 condominium units, requested by Civil Site Design Group, for Vanderbilt University, owner.

Mr. Mitchell stated staff recommends approval with conditions.

Project No.	Planned Unit Development 2001P-010G-06
Project Name	RiverBridge Community PUD (formerly Autumn Springs PUD)
Council Bill	None
Associated Case	None
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Revision to preliminary and final PUD approval of phases 1A, 1B, and 2B of the RiverBridge residential PUD to permit 97 single-family lots and 198 multi-family units on 43.56 acres.

ZONING

RM4 district permitting single-family, duplex, and multi-family at a density of four (4) dwelling units per acre.

SUBAREA 6 PLAN

Policy

Natural Conservation (NC). The preliminary approval of this PUD, which occurred on February 9, 2002, planned for the development of single-family and multi-family housing that are clustered on the upland portions of the development site. This clustering preserves portions of the Harpeth River floodplain that encroaches into the property. In addition, to further implement Metro's Master Greenway Plan, the developer has agreed to construct a greenway trail along the Harpeth River greenway area.

TRAFFIC ENGINEER'S

FINDINGS

Approve.

RECENT REVISIONS/

APPROVALS

Yes. The preliminary PUD plan was approved on February 9, 2002 (BL2001-901) to permit the development of 181 single-family lots and 200 townhouses on 85 acres.

CONDITIONS

Prior to the issuance of any building permits, a final plat needs to be recorded subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.

Ms. Jones asked if this proposal had changed since this was heard in February.

Mr. Mitchell stated it had changed slightly.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to close the public hearing and adopt staff recommendation.

Resolution No. 2002-259

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-010G-06 is given **CONDITIONAL APPROVAL (6-0)** The following conditions apply:

Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Water Services.

Prior to the issuance of any building permits, a final plat and boundary plat must be recorded including the posting of a bond for landscaping and any necessary public improvements.

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.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

OTHER BUSINESS

25. A request to amend the Subarea 13 Plan for properties in and around Mt. View Road, Pin Hook Road, Hamilton Church Road, LaVergne-Couchville Pike, Old Hickory Boulevard, and Murfreesboro Pike to support new residential, mixed-use and commercial development in southern Davidson County and set public hearing for July 11, 2002

Ms. Fuller updated the Commission on the Subarea 13 Plan amendment proceedings and requested the public hearing be set for July 11, 2002.

Staff Recommendation *Approve with amendments*

APPLICANT REQUEST

Text Amendments Approve changes to Chapter 3 and Appendix C for the Subarea 8 Plan.

Detailed Neighborhood Design Plans (DNDP) Adopt DNDP for East Germantown/Germantown/Salemtown/Metro-2nd & Hume with amendments

Adopt DNDP for Cumberland Gardens/Elizabeth Park/Jones-Buena Vista/Osage-North Fisk

SUBAREA PLAN

MPC adopted the Subarea 8 Plan Update on January 24, 2002. The plan called for the completion of DNDPs for the planning neighborhoods within Subarea 8 that would expand upon the Structure Plan. The changes to Chapter 3 and Appendix C arose from the planning processes for the two DNDPs.

CHANGES TO CHAPTER 3 AND APPENDIX C

The proposed changes are detailed in the accompanying document entitled: *Amendment #1 to the Plan for Subarea 8: the North Nashville Community: 2002 Update*. The changes to the “Structure Plan” are needed for consistency between it and the DNDPs discussed below. The proposed text and table changes are related to the establishment of a new land use category for detailed land use plans called “Mixed Live/Work” that is proposed in the DNDP for some of the Germantown area neighborhoods.

DNDP FOR EAST GERMANTOWN/GERMANTOWN/GERMANTOWN/SALEMTOWN/METRO-2ND & HUME

Public Participation

Staff met with approximately 40 residents and property owners in these four neighborhoods during two workshops held on April 23 and 25 and one follow up meeting on May 9. Staff presented the final plan at the follow up meeting.

Description The DNDP outlines the uniqueness of each planning neighborhood.

East Germantown The Structure Plan identified East Germantown as Neighborhood Urban. The expanded study shown in the DNDP shows the potential for higher intensity and redevelopment in East Germantown that encourages redevelopment to mixed use. Most of East Germantown falls strictly under Mixed Use category.

Germantown The Structure Plan identified most of Germantown as Neighborhood Urban. The expanded study shown in the DNDP shows the potential for a lower intensity in Germantown than in East Germantown that protects the existing building form and scale. During the process, staff created the Mixed Live/Work land use category specifically to address Germantown. The Mixed Live/Work category allows for true mixed-use development by requiring residential to accompany the non-residential uses on each lot. Most of inner section of Germantown falls under this land use.

Salemtown The Structure Plan identified most of Salemtown as Neighborhood General. The DNDP identified two additional neighborhood center areas as identified in the attached memo. The DNDP shows most of the neighborhood as single family detached, but offers opportunities for more compact residential building types concentrated along the busier east west routes of Garfield Street and Hume Street.

Metro/2nd & Hume The Structure Plan identified most of the Metro/2nd & Hume neighborhood as Impact. The DNDP allows for a continuation of the current uses. In addition, it proposes additional landscaping and open space along the buffer between Salemtown and this neighborhood.

Amendment 1: Building Height along Jefferson Street

Change building height requirements from 4 to 6 stories to 3 to 6 stories with stories above the fourth story set back further than the first four stories.

Jefferson Street creates the southern boundary for Germantown and East Germantown. The plan presented for today’s public hearing shows that building heights along Jefferson Street should range from a minimum of four stories to a maximum of 6 floors. After further research, staff recommends that the planning commission amend the draft plan to call for a minimum of 3 stories and a maximum of 6 stories with all stories over the fourth story required to be set back further than the first four stories.

Amendment 2: Mixed Use on Jefferson Street and 8th Avenue N.

Change Commercial land use category from Commercial to Mixed Use where it occurs on Jefferson Street and 8th Avenue North.

The DNDP up for review calls for mixed use development along most of 8th Avenue North and Jefferson Street. During a recent Board of Zoning Appeals (BZA) discussion regarding the property located on the northeast corner of the intersection of 4th Avenue North and Jefferson, staff realized that the land use plan called for commercial from that location east to 1st Avenue North, but mixed use along the rest of the street. The DNDP also called for a small area of commercial just north of Madison Street and just south of Monroe Street on 8th Avenue North. The sentiment of those participating during the planning process was for this area to allow for mixed use. This became more evident during the BZA public hearing. The maps presented in the draft up for review today reflect an iteration of the plan. Staff believes that the plan should show all of Jefferson Street and all of 8th Avenue North as mixed use.

DNDP FOR CUMBERLAND GARDENS/JONES-BUENA VISTA/OSAGE-NORTH FISK Public Participation

Staff met with approximately 40 residents and property owners in these four neighborhoods during two workshops held on February 9 and 23 and one follow up meeting on April 6. Staff presented the final plan at the follow up meeting.

Description

The DNDP outlines the uniqueness of each planning neighborhood.

Cumberland Gardens

The Structure Plan identified most of the Cumberland Gardens neighborhood as Neighborhood General. The DNDP addresses the preservation of existing single-family neighborhoods and encourages additional infill in appropriate locations. Single-family attached and detached housing is recommended along the system of Civic/Open Space Connector streets. The Clarksville Highway corridor should develop as a more useful, mixed-use community destination.

Elizabeth Park

The Structure Plan identified most of the Elizabeth Park neighborhood as Neighborhood General. The DNDP addresses the historical importance of the neighborhood and encourages compatible infill. Single-family attached and detached homes are appropriate on many streets, including Civic/Open Space Connector streets, consistent with rebuilding an complete urban neighborhood. Policy will now encourage most multi-family development along D.B. Todd Boulevard, while Buchanan Street mirrors the “main street” image sought in Cumberland Gardens.

Jones/Buena Vista

The Structure Plan identified most of the Jones/Buena Vista neighborhood as Neighborhood General. The DNDP highlights areas for historic preservation and appropriate single-family residential infill. A more diverse mixture of uses is appropriate in the small Neighborhood Centers. Single-family attached and detached housing is recommended along the system of Civic/Open Space Connector streets. The plan also calls for a mixed-use “main street” development pattern along Buchanan Street.

Osage/North Fisk

The Structure Plan identified most of the Osage/North Fisk neighborhood as Neighborhood General. The DNDP encourages the preservation of existing single-family neighborhoods and identifies appropriate infill locations. Policy will now encourage single-family attached and detached housing along the system of Civic/Open Space Connector streets, while most multi-family development will be along D.B. Todd Boulevard. The plan also encourages the retention and expansion of the neighborhood’s open space areas.

No motion was required and the public hearing was set for July 11, 2002.

29. Legislative Update

Mr. Bernhardt announced the birth of Councilmember Summers’ daughter.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:25 p.m.

Chairman

Secretary

Minute Approval: this 11th day of July 2002



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