

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: March 14, 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
Councilmember John Summers

Absent:

Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Carolyn Perry, Administrative Assistant
Jennifer Regen, Planning Manager 2
Marty Sewell, Planner 1
Chris Wooton, Planning Technician 1

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced item 32. 2002M-024U-05 should also include Parcel 262.

Ms. Nielson moved and Mr. Small 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 February 28, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Brenda Gilmore spoke in favor of items 26. 2002S-048G-03, Parker Subdivision, and 27. Ole Orchard, Phase 3. She asked for approval with justification of the variances being less than 10%.

Councilmember Vic Lineweaver stated he would like to make mention of the Subarea 6 meetings coming up at The Bellevue Center Mall.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

None

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

PUBLIC HEARING

ZONING MAP AMENDMENTS

- 14. 2002Z-019U-08**
Map 091-12, Parcel(s) 200, 201, 202
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from R6 district to MUL district properties at 701, 705, and 707 40th Avenue North, located within the Urban Zoning Overlay district and abutting the eastern terminus of Indiana Avenue, (0.72 acres), requested by James Lowen of Lowen and Trent LLC, appellant, for Marie McQuiddy, Bobby McQuiddy, and Bobbie McQuiddy, owners. (See PUD Proposal 82-77-P-08 and Mandatory Referral Proposal 2002M-028U-08).

- 15. 82-77-P-08**
McQuiddy Retail Center
Map 91-12, Parcel(s) 200, 201, 202
Subarea 8 (1995)
District 21 (Whitmore)

A request to amend the undeveloped Planned Unit Development District located abutting the northwest corner of Indiana Avenue and 40th Avenue North, classified within the R6 district and Urban Zoning Overlay district and proposed for MUL district, (.55 acres), to permit an 11,000 square foot retail shopping

center, replacing the approved and undeveloped 6,350 square foot retail center, requested by Lowen + Trent, LLC for Bobby, Bobbie and Marie McQuiddy owners. (See Zone Change Proposal 2002Z-019U-08 and Mandatory Referral Proposal 2002M-028U-08).

33. 2002M-028U-08

Close Alleys #1204 and #1189
Map 091-12, Parcel(s) 200, 201, 203, 204
Subarea 8 (1995)
District 21 (Whitmore)

A request to close Alley #1204 between 40th Avenue North and Alley #1189, and Alley #1189 between Indiana Avenue to its terminus at Alley #1204, requested by James Lowen of Lowen + Trent LLC, for abutting property owners. Easements are to be abandoned. (See Zone Change Proposal 2002Z-019U-08 and PUD Proposal 82-77-P-08).

Staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

Zone Change

This request is to change approximately .75 acres within the Urban Zoning Overlay district at the corner of 40th Avenue and Indiana Avenue from R6 district to MUL district. The existing R6 district is intended to provide for higher intensity one-family and two-family developments at a density of 6 dwelling units per acre. The proposed MUL district is intended to implement the moderate mixed-use policies of the general plan. The applicant is requesting this zone change because the approval of the original PUD was not contingent upon changing the zoning of the property. Planned unit developments that were approved prior to the new Zoning Ordinance (1998) were not required to change the existing zoning of the property upon which the PUD was applied.

Staff recommends approval of the zone change because it is in accordance with the new Subarea 8 Plan. This property lies within a Neighborhood Center (NC) policy area that is situated along 40th Avenue North, between Clifton Avenue and Indiana Avenue. The Neighborhood Center policy area is intended to act as a local center of activity. The plan indicates that uses within these areas should meet daily convenience needs and/or provide a place to gather and socialize.

Original PUD Plan

The original PUD (82-77-P-08) was approved by Metro Council in 1977 to construct a general retail building containing 6,350 square feet. It was approved for one building with five separate retail units containing 1,270 square feet. Since the current request increases the square footage of the building more than 10%, to 11,000 square feet, an amendment to the existing PUD is required, and Council must approve the amendment along with the associated change in zoning.

Proposed PUD Plan

This request is to amend the undeveloped Planned Unit Development District (82-77-P-08), located abutting the northwest corner of Indiana Avenue and 40th Avenue North, to permit the development of an 11,000 square foot retail shopping center. Staff recommends conditional approval of this PUD amendment.

Building

The amended PUD plan still has one building consisting of five separate retail units, but one of the units acts as an anchor retail convenience store with 6,000 square feet, while the other units contain only 1,250 square feet each. The Subarea 8 Plan permits retail commercial uses within the

Neighborhood Center policy area as long as the development is at a neighborhood scale. Staff feels that the proposed building is at a neighborhood scale and will work toward meeting the daily convenience needs of the community.

Building Setback and Parking

The building was placed in the center of the property on the original PUD plan, with parking in the front, on the side, and in the rear of the building. The proposed plan moves the building closer to the street with a proposed clock tower as a focal point at the corner of Indiana and 40th Avenue. Parking has been removed from the front of the building, and placed in the rear and on the side of the building.

Staff approves moving the building closer to the street. Section 17.12.035 of the Zoning Ordinance permits contextual street setbacks within the Urban Zoning Overlay district. This section allows the building in this case to be constructed up to the right-of-way line as a major new investment in the area. The Ordinance states that in a mixed use or commercial zone district within the UZO, the owner of one or more contiguous lots that collectively include at least one corner lot, and at least 50% of the street frontage along either block face, shall not be subject to the minimum setback requirements.

The Subarea 8 Plan specifically states that building setbacks in the Neighborhood Center policy area should be shallow or non-existent. The plan goes on to explain that the closer the buildings are to the street in these areas, the more eyes there are for neighborhood watch. Placing buildings close to the street also helps create a more comfortable pedestrian environment.

Traffic

The location of the access points into the site from 40th Avenue North and Indiana Avenue have remained the same, but the vehicular circulation within the site has slightly changed since the original PUD was approved. Both entrances to the property originally accommodated two-way traffic. This was possible because the building was placed in the center of the site, and vehicles were able to circle the structure, stopping to park in either the front or rear of the building. The proposed plan, however, provides a one-way entrance from Indiana Avenue and a one-way exit to 40th Avenue. The Metro Traffic Engineer requested that the applicant look at redesigning the parking layout in order to accommodate two-way traffic. The applicant tried to redesign the on-site parking, but was not able to provide for two-way traffic on the site due to the increased floor area of the building and landscape bufferyard requirements. Staff feels that the one-way entrance and exit is adequate. Much of the traffic will be pedestrian traffic due to the proximity of higher density residential development, and the applicant is providing signage designating the entrance and exit as one-way.

Landscaping

The proposed plan adheres to the landscaping requirements within the Zoning Ordinance by providing the standard “A” landscape bufferyard between the proposed MUL property from the existing OR20 property to the west. A standard “C” landscape bufferyard is provided on the plan to buffer the property from the existing R6 properties to the north. The plan also provides at least 8% interior lot landscaping as required by Section 17.24.160 of the Zoning Ordinance.

Mandatory Referral

The applicant has requested to abandon two unimproved alleys located on the property. The request is to close a portion of Alley #1204, an unimproved alley from 40th Avenue North to the southwest corner of parcel 200 and the northwest corner of parcel 204 on tax map 91-12, and to close a portion of Alley #1189 from Indiana Avenue to its intersection with Alley #1204. This portion of Alley #1189 was previously closed, but it was not removed from the Official Street and Alley Map. The Metro Legal Department has indicated staff cannot administratively amend the Official Street and Alley Map. That power is reserved for the Metro Council, including housekeeping errors as in this case. All easements are to be abandoned. Staff field-checked these closures, and these alleys are not used. Staff recommends conditional approval provided all agencies and departments recommend approval of the mandatory referral.

Resolution No. 2002-93

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-019U-08 is **APPROVED (9-0)**:

The proposed MUL district is consistent with the Subarea 8 Plan's Neighborhood Center (NC) policy, which is intended to act as a local center of activity. The plan indicates that uses within these areas should meet daily convenience needs and/or provide a place to gather and socialize."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 82-77-P-08 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (9-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. Metro Council shall approve this PUD amendment and the associated zone change (2002Z-019U-08) from R6 to MUL.
7. Prior to the issuance of any building permits, a final consolidation and PUD boundary plat shall be recorded including any necessary bonds for public improvements.
8. Prior to the recording of any final plat, a mandatory referral (2002M-028U-08) shall be approved by Metro Council for the closure of Alley #1189 and Alley #1204.
9. Tenant entrances shall be identified on final PUD plan."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-028U-08 is **APPROVED with conditions (9-0)**."

22. 60-86-P-14
Northlake Village-Exxon
Map 86, Parcel(s) Part of 208
Subarea 14 (1996)
District 12 (Ponder)

A request to amend a portion of the existing Commercial Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the west margin of Andrew Jackson Way,

classified within the R8 district, (1.60 acres), to permit the relocation of the western property line to allow additional parking spaces on the adjacent PUD (13-87-P-14), requested by Littlejohn Engineering, appellant, for Exxon Corporation, owner. (See PUD Proposal 13-87-P-14).

23. 13-87-P-14
Chandler Square
Map 86, Parcel(s) Part of 219
Subarea 14 (1996)
District 12 (Ponder)

A request to amend a portion of the Commercial Planned Unit Development District located abutting the north margin of Old Hickory Boulevard and the east margin of Andrew Jackson Parkway, classified within the R8 district, (2.39 acres), to permit the relocation of the eastern property line to add .10 acres into the PUD district to allow for additional parking spaces (60-86-P-14), requested by Littlejohn Engineering, appellant, for First B Realty, L.P., owner. (See PUD Proposal 60-86-P-14).

Staff recommends *conditional approval*.

This request is to amend two separate Commercial PUD districts to shift a property line and the PUD boundary approximately 20 feet to the south. Shifting the PUD boundary for the two adjacent PUD districts requires a PUD amendment and Metro Council approval since it increases the land area in one PUD by approximately 3,200 square feet and decreases the land area of the other PUD by the same. The purpose of this request is to allow this land area in the Chandler Square PUD (map 86, parcel 219) for additional parking spaces for a new Eckerd drug store. This amendment removes a small, unused, open space area at the rear of the existing Exxon station in the Northlake Village PUD on map 86, parcel 208. This proposal does not change the previously approved building layout, driveway locations, or landscaping plan for either PUD. The Planning Commission granted final PUD approval to allow a 14,459 square foot drug store on parcel 219 at its January 10, 2002, meeting. With this request, eight parking spaces at the rear of the building will be removed, while ten new parking spaces will be added. The proposed plan still provides the required number of parking spaces (72 spaces) for the drug store. Staff recommends conditional approval of amending both PUD districts.

Resolution No. 2002-94

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 60-86-P-14 is given **CONDITIONAL APPROVAL (9-0)**: 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.
2. Approval by the Metro Council of this PUD amendment.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 13-87-P-14 is given **CONDITIONAL APPROVAL (9-0)**: T

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.
2. Approval by the Metro Council of this PUD amendment.”

FINAL PLAT SUBDIVISIONS

25. 2002S-044G-14
CHANDLER SQUARE, Phase 2
Map 086, Parcel(s) 219
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to record one parcel as one lot abutting the east margin of Andrew Jackson Parkway and the north margin of Old Hickory Boulevard, (2.43 acres), classified within the R8 Commercial Planned Unit Development District, requested by First B Realty, L. P., owner/developer, Little John Engineering Associates, Inc., surveyor. (See Mandatory Referral Proposal 2002M-029G-14).

Staff recommends *conditional approval* subject to Council’s approval of the mandatory referral to abandon and relocate the sewer line and easement along Dry Fork Creek, a revised plat showing sidewalks along Old Hickory Boulevard as required by Public Works, and a bond for the relocation of the sewer line and the construction of sidewalks.

Resolution No. 2002-95

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-044G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO A BOND FOR SEWER RELOCATION AND SIDEWALKS (9-0)**.

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Council must approve the mandatory referral to abandon and relocate the sewer line and easement along Dry Fork Creek,
2. The applicant shall submit a revised plat showing sidewalks along Old Hickory Boulevard as required by Public Works (in relation to the existing pavement), and
3. A bond will be required for the relocation of the sewer line and the construction of sidewalks prior to plat recordation.”

26. 2002S-048G-03
PARKER SUBDIVISION
Map 039, Parcel(s) 231
Subarea 3 (1998)
District 1 (Gilmore)

A request for final plat approval to subdivide one parcel into two lots, abutting the south margin of Clarksville Pike, and the north margin of Dry Fork Road, classified within the RS40 and RS20 district, (5.65 acres), requested by Greg Daniels, surveyor, for Wes Parker, owner.

Staff recommends *conditional approval* subject to a variance for maximum lot size and a revised plat prior to recordation.

This request is for final plat approval to subdivide one parcel into two lots on approximately 5.68 acres, abutting the south margin of Clarksville Pike. The property is located within the RS40 and RS20 districts, and sidewalks are not required in these two zoning districts.

Variance - Maximum Lot Size

Section 2-4.2.D of the Subdivision Regulations require that subdivided lots have a maximum lot size no more than three times the base-zoning district. Within the RS40 district a lot should not be greater than 120,000 square feet. Lot 1 of this subdivision is 206,922 square feet, which is 86,922 square feet larger

than the maximum allowable square footage for the RS40 district. Staff supports the variance for the maximum lot size since this subdivision lowers the overall square footage of lot 1 closer to the maximum lot size allowed within the RS40 district. With RS40 zoning the applicant could subdivide the property into approximately four lots.

Staff recommends conditional approval subject to a variance for maximum lot size and a revised final plat prior to recordation that shows:

1. Removal of the private easement lines from the Public Utility and Drainage Easement.
2. Updates the easement note on the plat to read "Approx. location existing sewer service. Private service line easement five feet each side of line. Once outside Public Utility and Drainage Easement"

Resolution No. 2002-96

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-048G-03, is **APPROVED WITH CONDITIONS WITH VARIANCE FOR MAXIMUM LOT SIZE (9-0)**.

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Planning Commission must approve a variance for maximum lot size for lot 1.
2. Removal of the private easement lines from the Public Utility and Drainage Easement for the final plat.
3. Update the easement note on the final plat to read "Approx. location existing sewer service. Private service line easement five feet each side of line. Once outside Public Utility and Drainage Easement".

28. 2002S-066U-12

BRENTWOOD GARDENS, Resubdivision of Lots 27-32
Map 160, Parcel(s) 073-076 & 174
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to consolidate six lots into two lots and creating one lot as a "non-buildable lot", abutting the south margin of Old Hickory Boulevard, between Valley View Road and Cloverland Drive, (8.02 acres), classified within the RM4 district, requested by Haury and Smith Contractors, owner/developer, Gresham, Smith and Partners, surveyor.

Staff recommends *conditional approval* subject to a bond for a sewer line extension to lot 2, and demolition of the structure on lot 1, a revised final plat before recordation, and a new preliminary plat prior to the issuance of any building permits for lot 1.

This request is for final plat approval to subdivide six lots on 8.02 acres into two lots, abutting the south margin of Old Hickory Boulevard. This property is within the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 residential units per acre. These lots are being consolidated for financing purposes. At this time the applicant does not know when the property will be developed, and wants to defer bonding of public infrastructure to a future date. Therefore, the applicant will be required to bond for all necessary public infrastructure improvements, prior to the issuance of building permits (excluding one single-family home) on Lot 1.

This final plat will consolidate the existing six lots into two lots in order to leave an existing home on Lot 2. Sidewalks will not be provided with this plat for Lot 2, but will be required with any new development on Lot 2. Currently the home on lot two is connected to Metro water and a new sewer line will be

extended from lot 1 to lot 2. The existing septic fields and well on Lot 2 shall be removed. A bond will also be required for the demolition of the structure on lot 1, before this final plat can be recorded.

Staff recommends conditional approval subject to bonds for extension of the public sewer line for lot 2 and demolition of the structure on Lot 1, a new preliminary plat prior to the issuance of any building permits for lot 1, and a revised final plat prior to recordation that shows:

1. Prior to recordation, a revised final plat shall be submitted with a new Note #1 that reads as follows: This plat is being recorded to consolidate six lots into two lots. Building permits, except for one single-family residence on Lot 1, shall not issue until performance agreements for necessary public infrastructure are entered with the Metro Planning Commission.
2. Prior to recordation, a revised final plat shall be submitted with a new Note #2 that reads as follows: With the recording of this plat, the construction of sidewalks for Lot 2 shall be required prior to the issuance of a building permit for new development on Lot 2.
3. Prior to recordation, a revised final plat shall be submitted with a new Note #3 that reads as follows: Lot 2 shall be served by public water and sewer. The existing septic fields and well serving Lot 2 shall be removed.
4. Prior to recordation, a revised final plat shall be submitted showing an 8” sewer line within a 20 foot easement providing service from lot 1 to lot 2, including any required manhole.
5. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing septic fields for lot 2 that cross over proposed lot 1 as “*existing septic fields to be removed*”.
6. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing well for lot 2 as follows “*existing well to be removed*”.
7. Prior to recordation, a revised final plat shall be submitted identifying the parcel number for lot 1.

Prior to recordation, a bond shall be required for the extension of sewer service to Lot 2 and demolition of the existing home on Lot 1.

Resolution No. 2002-97

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-066U-12, is **APPROVED WITH CONDITIONS AND SUBJECT TO BOND FOR SEWER (9-0)**.”

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Prior to recordation, a revised final plat shall be submitted with a new Note #1 that reads as follows: This plat is being recorded to consolidate six lots into two lots. Building permits, except for one single-family residence on Lot 1, shall not issue until performance agreements for necessary public infrastructure are entered with the Metro Planning Commission.
2. Prior to recordation, a revised final plat shall be submitted with a new Note #2 that reads as follows: With the recording of this plat, the construction of sidewalks for Lot 2 shall be required prior to the issuance of a building permit for new development on Lot 2.
3. Prior to recordation, a revised final plat shall be submitted with a new Note #3 that reads as follows: Lot 2 shall be served by public water and sewer. The existing septic fields and well serving Lot 2 shall be removed.
4. Prior to recordation, a revised final plat shall be submitted showing an 8” sewer line within a 20-foot easement providing service from lot 1 to lot 2, including any required manhole.

5. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing septic fields for lot 2 that cross over proposed lot 1 as “*existing septic fields to be removed*”.
6. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing well for lot 2 as follows “*Residence on Lot 2 to be disconnected from existing water well and connected to public water supply*”.
7. Prior to recordation, a revised final plat shall be submitted identifying the parcel number for lot 1.
8. Prior to recordation, a bond shall be required for the extension of sewer service to Lot 2 and demolition of the existing home on Lot 1.
9. Prior to recordation, the Metro Health Department must be approved the final plat.”

PLANNED UNIT DEVELOPMENTS (revisions)

29. 182-83-G-03
 Hickory Ridge
 Map 42, Parcel(s) 40
 Subarea 3 (1998)
 District 3 (Nollner)

A request to revise a portion of the preliminary plan of the Residential Planned Unit Development District located abutting the north margin of Old Hickory Boulevard, west of I-65, classified within the RM9 district, (104.6 acres), to permit the development of 40 assisted living, 90 independent living units, 15 townhome units, and 196 duplex units, replacing 874 multi-family units on the approved plan, requested by Hart-Freeland-Roberts Inc., appellant, for Schaedle Worthington Hyde Properties, L.P., owner.

Staff recommends *conditional approval* with a variance to Section 2-6.2.1 of the Subdivision Regulations for maximum street grade.

This request is to revise the preliminary plan for the residential PUD plan located north of Old Hickory Boulevard and west of I-65 in the Madison area. The proposed plan includes 40 assisted-living units, 90 independent-living units, 15 townhomes, and 196 duplex units (314 total units where every 3 assisted living units counts as 1 dwelling unit), replacing 670 apartment units and 104 townhomes (874 total units). Phase 1 is currently developed with 190 apartment units. Staff recommends conditional approval with a variance to Section 2-6.2.1 of the Subdivision Regulations for maximum street grade, and provided Public Works and Water Services approve the plan prior to the Planning Commission meeting.

This proposal is consistent with the existing RM9 base zoning and the Subarea 3 Plan’s Residential Medium (RM) policy allowing multi-family dwellings at up to 9 dwelling units per acre. The revised plan proposes 3 dwelling units per acre for Phases 2-6. While the plan changes the layout of the units, the unit types, and the proposed internal street network, it maintains a future collector street connection between the existing portion of Nesbitt Lane at Old Hickory Boulevard and the existing portion of Nesbitt Lane on the east side of I-65. The collector road currently stubs-out into this property and has always been intended to connect to Nesbitt Lane on the east side of I-65. Although this plan provides the opportunity for a bridge connection over I-65, the bridge is not required to be constructed in association with this PUD. Metro would be responsible for constructing this bridge in the future.

Variance

Section 2-6.2.1 of the Subdivision Regulations allows a maximum street grade of 8% on collector roads with up to 9 dwelling units per acre. The proposed collector road in Phase 6 has a grade of 10%. Staff supports this variance since the original PUD plan included a future collector street that was intended to provide a connection to Nesbitt Lane on the east side of the interstate. Staff wanted to maintain a collector street connection through this PUD, which would be difficult to construct without a variance. Staff also supports this variance since the 8% grade would require significant grading and disturbance to an environmentally sensitive area with steep slopes. Since this portion of the collector road has several turns

in the road to slow traffic down, and very low density, the safety concerns from the steep road are diminished.

Traffic

The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following condition:

Prior to the issuance of any Use and Occupancy permits for Phase 2, the developer/owner shall install a traffic signal at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive.

Resolution No. 2002-98

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 182-83-G-03 is given **CONDITIONAL PRELIMINARY APPROVAL WITH VARIANCE FOR MAXIMUM STREET GRADE (SECTION 2-6.2.1, TABLE 1 OF THE SUBDIVISION REGULATIONS (9-0))**: 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.*
2. *Prior to or in conjunction with the submittal of any final PUD plan for any phase, the applicant shall submit to the Planning Department a letter from the Tennessee Department of Transportation stating approval of the abandonment of right-of-way. Should any of the right-of-way proposed for abandonment fall within Metro’s jurisdiction, a Mandatory Referral shall be approved by the Metro Council for the abandonment of Nesbitt Lane right-of-way. Right-of-way, as shown on the approved PUD plan shall be maintained to allow the proposed collector road to connect to Nesbitt Lane at the existing underpass at I-65.*
3. *Prior to the issuance of any building permits for any phase creating a new lot, easement, or requiring any public improvements that must be bonded, a final subdivision plat shall be recorded, including all necessary bonds for public improvements.*
4. *Prior to the issuance of any Use and Occupancy permits for Phase 2, the developer/owner shall install a traffic signal at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive.”*

31. 77-87-P-03

Nocturne Forest, Phase 3
Map 70-3, Parcel(s) 40; Map 070-030A, Parcel(s) 39, 63
Subarea 3 (1998)
District 2 (Black)

A request to revise a phase of the preliminary plan of the Residential Planned Unit Development District located abutting the southern terminus of Nocturne Forest Drive at Old Buena Vista Road, classified within the RS15 district, (4.62 acres), to permit the development of 7 single-family lots, replacing 33 multi-family units, requested by Ragan-Smith Associates, appellant, for Chateau Associates, owner. Staff recommends *conditional approval*.

This request is to revise the preliminary plan for a portion of the residential PUD district, located within an RS15 district, along the east side of Old Buena Vista Road and the western terminus of Nocturne Forest Drive. This plan proposes 7 single-family lots in Phase 3, replacing 33 unbuilt, multi-family units approved with a private access driveway onto Old Buena Vista Road. The proposed plan eliminates all access to Old Buena Vista Pike since the type of housing is changing to single-family lots. The Planning Commission disapproved a PUD amendment on March 15, 2001, eliminating the public street connection from Nocturne Forest Drive to Old Buena Vista Road. The Metro Council subsequently approved the plan

creating a permanent dead-end street. The proposed plan is consistent with the Council approved plan. Staff recommends conditional approval.

The proposed lots range in size from approximately 13,000 square feet to 22,500 square feet, which is consistent with the cluster lot provisions of the Zoning Ordinance. Phase 3 includes 22% open space. The proposed plan increases the length of the cul-de-sac from approximately 300 feet to 650 feet in length with a small landscaped island in front of lot number 39. The PUD will be conditioned that the Nocturne Forest Homeowner's Association will maintain this landscape island. The homeowner's association has submitted a letter agreeing to this condition.

Sidewalks

Since the preliminary plan was amended last year, Phase 3 is required to meet all of the current requirements for sidewalks, including both sides of Nocturne Forest Drive and along the frontage of Old Buena Vista Pike. This plan shows all required sidewalks.

Resolution No. 2002-99

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 77-87-P-03 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (9-0)**: 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.
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 Old Buena Vista 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.”

MANDATORY REFERRALS

32. 2002M-024U-05

Acquire Easement for Sewer Line Extension on Forrest Avenue
Map 083-13, Parcel(s) 261
Subarea 5 (1994)
District 6 (Beehan)

A request to acquire a 20' x 138' permanent easement and a 20' x 40' temporary easement at 1715 Forrest Avenue for a sewer line extension, requested by Metro Water Services.

Staff recommends *approval*.

This request is to acquire a 20' x 138' permanent easement and a 20' x 40' temporary easement at 1715 Forrest Avenue for a sewer line extension. Staff recommends approval of these easement acquisitions needed by Metro Water Services as part of the Capital Improvement Budget (96SG0005; Project No. 01-SG-156).

Resolution No. 2002-100

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-024U-05 is **APPROVED (9-0)**.”

34. 2002M-029G-14

Abandon and Relocate Sewer Line and Easement
Map 086-00, Parcel(s) 219
Subarea 14 (1996)
District 12 (Ponder)

A request to abandon an 18" and 24" sewer line/easement and relocate and upgrade the sewer line to a 21", 24", and 30" sewer line/easement on the same property at 5410 Old Hickory Boulevard, requested by Phillip Piercy of Littlejohn Engineering, appellant, for First B. P. Realty L.P., owner. (See Subdivision Proposal 2002S-044G-14).

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

Subdivision

This request is for final plat approval to record one parcel as one lot on approximately 2.5 acres abutting the east margin of Andrew Jackson Parkway and the north margin of Old Hickory Boulevard. The property is located in the Hermitage area, and is classified within the R8 Commercial Planned Unit Development District. This portion of the PUD received final approval from the Planning Commission on January 10, 2002, to construct a 14,459 square foot Eckerd Drug store, replacing an undeveloped 8,600 square foot restaurant and an 8,500 square foot retail tire store. The Commission granted a variance with final PUD approval for sidewalks along a 60-foot-long portion of Andrew Jackson Parkway where an existing bridge crosses Dry Fork Creek. The PUD approval was conditioned upon the applicant submitting a revised plan showing the proposed sidewalk on Andrew Jackson Parkway within the public right-of-way.

Sidewalks

The revised plan was submitted, and this final plat also shows a proposed sidewalk within the public right-of-way on Andrew Jackson Parkway as well as on Old Hickory Boulevard. These sidewalks, however, are shown in relation to the future curb line. Public Works typically requires sidewalks to be constructed in relation to the future curb line, but in this case, Public Works has indicated that due to an existing drainage swale along Old Hickory Boulevard, they may require the sidewalks to be constructed along the existing pavement. The right-of-way line is 30 feet from the existing pavement on Old Hickory Boulevard. If the sidewalks are constructed in relation to the right-of-way, they will be placed on the opposite side of the swale, more than 20 feet away from the street. Public Works has indicated that they must make sure that the sidewalk is placed where it would be if they were constructing the sidewalk along the entire stretch of road, not just in front of this particular property. Public Works has not been able to visit the site and evaluate the situation. Staff understands that they will be visiting the site prior to the Commission meeting. Staff will know at that time whether or not the applicant will need to submit a revised plat showing the sidewalks along Old Hickory Boulevard in relation to the existing pavement.

Mandatory Referral

This request is to abandon an existing 18" and 24" sewer line and the 30-foot associated easement, and relocate the line as a 21", 24", and 30" line within a 30-foot easement (01-SL-183). This request will move the line closer to the Dry Fork Creek to the rear of the property, allowing more buildable area. Staff recommends conditional approval provided all reviewing departments and agencies recommend approval.

Resolution No. 2002-101

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-029G-14 is **APPROVED (9-0)**."

35. 2002M-030U-09

Sign Encroachment for Bailey's Pub & Grille
Map 093-06-3, Parcel(s) 80

Subarea 9 (1997)
District 19 (Wallace)

A request to encroach 4'8" at 408 Broadway with a sign measuring 4'8" in width by 14'0" in length at a height of 16'6" above the public sidewalk for Bailey's Pub & Grille, requested by Fox & Hound of Tennessee Inc., appellant, for Thomas Morales, owner.

Staff recommends *conditional approval*.

This request is to encroach 4'8" at 408 Broadway with a sign for a new downtown restaurant/bar, Bailey's Pub & Grille. The sign measures 4'8" in width by 14'0" in length at a height of 16'6" above the public sidewalk. The Planning Commission approved a smaller sign for Bailey's on January 4, 2001 (2001M-001U-09) and the Metro Council on February 12, 2001 (RS2001-509). After receiving that approval, Bailey's decided it wanted a slightly larger sign. Increasing the size of the sign requires another mandatory referral approval since the encroachment over the public sidewalks has been increased by almost two feet. Staff recommends approval provided all other departments and reviewing agencies recommend approval.

Resolution No. 2002-102

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002M-030U-09 is **APPROVED with conditions (9-0)**."

OTHER BUSINESS

36. Employee Contract for Jennifer Higgs

Resolution No. 2002-103

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Jennifer Higgs for one year, from March 16, 2002 through March 15, 2003."

37. Employee Contract for Preston Mitchell

Resolution No. 2002-104

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Preston Mitchell for one year, from April 1, 2002 through March 31, 2003."

38. MPO Contract on Collector Street Plan

Resolution No. 2002-105

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the MPO Contract on Collector Street Plan."

This concludes the items on the consent agenda.

As requested by Mr. McLean items 4 and 6 that were pulled from the consent agenda and deferred until the Commission can hold a work session and discuss those items.

Councilmember Summers requested all 12 text amendments be pulled to be studied at the work session scheduled for March 28, 2002.

The following items were deferred until March 28, 2002:

ZONING MAP AMENDMENTS

1. **2002Z-007T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.04.060 of the Zoning Ordinance (Definitions of General Terms) to add definitions for "Front Façade" and "Leading Edge", requested by Planning Department staff.

2. **2002Z-008T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Table 17.12.020.A of the Zoning Ordinance relating to side setbacks for the RM9, RM15, and RM20 districts within the Urban Zoning Overlay district and to the bulk requirements for the RM20, OR20, RM60, ON, I, and all mixed-use districts countywide, requested by Planning Department staff.

3. **2002Z-009T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Table 17.08.030 of the Zoning Ordinance (District Land Use Tables) and Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings in the ON and MUN Districts) by making them permitted instead of permitted with conditions, requested by Planning Department staff.

4. **2002Z-010T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.12.030.C of the Zoning Ordinance (Street Setbacks) relating to front facades of buildings on rectangular corner lots, requested by Planning Department staff.

5. **2002Z-011T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Table 17.12.030.A of the Zoning Ordinance (Street Setbacks for Single and Two-Family Structures) by adding for housekeeping purposes office, mixed-use, and higher-density residential districts which have always permitted these uses to the table, requested by Planning Department staff.

6. **2002Z-012T**
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.12.035 of the Zoning Ordinance (Contextual Street Setbacks Within the Urban Zoning Overlay District) to identify in which zoning districts contextual street setbacks shall apply as well as clarify that parking may be permitted in the front of a building within the Urban Zoning Overlay district, requested by Planning Department staff.

7. 2002Z-013T
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.12 of the Zoning Ordinance (District Bulk Provisions) to ensure accessory buildings are in-scale with the neighboring area and provide size limitations on them where they are located on lots less than one acre in size, but exempting accessory structures from the size limitations on lots where agricultural activities and domestic animals/wildlife are permitted, requested by Planning Department staff.

8. 2002Z-014T
Map , Parcel(s)
Subarea ()
District ()

A request to amend Table 17.20.030 of the Zoning Ordinance (Parking Requirements: Retail) to modify the general retail and convenience retail parking requirements for retail within the Urban Zoning Overlay district, requested by Planning Department staff.

9. 2002Z-015T
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.20.040 of the Zoning Ordinance (Adjustments to Required Parking) to clarify that on-street parking may occur along streets less than 26 feet wide within the Urban Zoning Overlay district, requested by Planning Department staff.

10. 2002Z-016T
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.20.060.D of the Zoning Ordinance (Parking Area Design Standards: Residential Parking) to delete a provision requiring off-street parking within any street setback area to be on a driveway within the Urban Zoning Overlay district, requested by Planning Department staff.

11. 2002Z-017T
Map , Parcel(s)
Subarea ()
District ()

A request to amend Section 17.20.080.C of the Zoning Ordinance (Off-Site Parking: Common Ownership) to ensure that off-site parking leased for a particular use coincides with the term of the tenant lease, requested by Planning Department staff.

12. 2002Z-018T
Map , Parcel(s)

Subarea ()
District ()

A request to amend Section 17.24.190 of the Zoning Ordinance (Landscape Buffer Yard Requirements: Exemptions) by adding a bufferyard is not required when a zoning district boundary falls along a utility easement of 50 feet or greater, or within the Urban Zoning Overlay district the zoning district boundary falls along any public street, requested by Planning Department staff.

ZONING MAP AMENDMENTS

13. 2002Z-018U-05
Map 061-11, Parcel(s) Part of 125 (0.5 ac)
Subarea 5 (1994)
District 8 (Hart)

A request to change from RS7.5 district to OL district a portion of property at 4115 Gallatin Pike, approximately 280 feet south of McMahan Avenue, (0.5 acres), requested by Platinum Financial Group, Inc., appellant, for John Lucus, owner.

Mr. Hardison stated staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.5 acres from RS7.5 (residential) to OL (office) district property at 4115 Gallatin Pike, at the west terminus of Greenland Avenue. The existing RS7.5 district is intended for single-family homes at 4.94 dwelling units per acre. The proposed OL district is intended for moderate intensity office uses.

Staff recommends approval of the OL zoning for the portion of the property that fronts Gallatin Road. This property is within the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy. The CAE policy is applied to areas with existing areas of strip commercial development. The Residential Low Medium (RLM) policy applies to the rear of this property and is intended for residential uses at 2 to 4 dwelling units per acre. By rezoning the front portion of the property to OL district, the rear will remain RS7.5 allowing single-family residential along Matthews Avenue, consistent with the RLM policy.

Traffic

The Traffic Engineer indicates that Gallatin Pike can sufficiently accommodate commercial traffic generated by OL zoning.

Mr. Kerry Towell and Mr. Dan Towell spoke in opposition to the proposal and stated concerns regarding the applicant already starting on the business before the rezoning is passed, nearby places already vacant that are zoned commercial, keeping the neighborhood as is, continuously losing residential housing through that area.

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

Mr. Clifton stated the Commission would be opposed to anything that goes further back into the neighborhood, but this does not do that.

Councilmember Summers stated the applicant should be required to subdivide the lot because it will have two different zonings on it.

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

Resolution No. 2002-106

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-018U-05 is **APPROVED (9-0)**:

The proposed OL district is consistent with the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy. The CAE policy is applied to areas with existing areas of strip commercial development. By rezoning only the front portion of the property to OL district, the rear will remain RS7.5 district, allowing single-family residential along Matthews Avenue, consistent with the Residential Low Medium (RLM) policy to the rear."

16. 2002Z-021G-03
Map 048-00, Parcel(s) 103, 215, 242, 294
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from RS40 district to RS15 district properties at 3763 Westport Drive, 3815 Stevens Lane, and Stevens Lane (unnumbered), (16.77 acres), requested by Katherine Shields of Westport Development Company Inc., appellant, for Katherine Shields and Westport Development Company, owners.

Mr. Hardison stated staff recommends *disapproval*.

- **Subarea Plan amendment required?** No. A Subarea Plan amendment would normally be required for a request to allow residential zoning with a density of 3 units per acre within a residential policy area that is intended for 1-2 units per acre and a natural conservation policy area. Staff feels this particular request does not warrant an amendment.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 16.8 acres from RS40 (residential) to RS15 (residential) district property at 3763 Westport Drive, 3815 Stevens Lane, and Stevens Lane (unnumbered), abutting the northern terminus of Homeland Drive. The existing RS40 district is intended for single-family dwellings at 1 unit per acre. The proposed RS15 district is intended for single-family dwellings at up to 2.47 units per acre.

Subarea 3 Plan Policy

Staff recommends disapproval of the proposed RS15 zoning due to its permitted density. The majority of these properties are located in the Subarea 3 Plan's Residential Low (RL) policy area and a small portion of the properties is in the Natural Conservation (NC) policy area. The RL policy calls for 1 to 2 units per acre, and the NC policy calls for low-density residential (similar to RL policy) and very low intensity commercial developments. The RS15 district would allow more dwelling units than recommended by either the NC policy or the RL policy.

Topography

The NC policy is applied to a portion of this property due to the steep topography on the property. This property is along a transition line where to the east, flatter topography lends itself to larger lot development to the subject property which has very steep topography. Changing the zoning on this property to RS15 would require more roads and allow more homes, which in turn would require significant grading. The

grading needed to develop this property with RS15 zoning would degrade this environmentally sensitive area.

Traffic

The Metro Traffic Engineer has indicated Stevens Lane and Westport Drive can sufficiently accommodate the traffic that would be generated by RS15 zoning on this property.

Schools

A single-family development at RS15 density will generate approximately 9 students (4 elementary, 3 middle, and 2 high school). Students will attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. The Metro School Board has provided information that indicates Alex Green Elementary and Ewing Park Middle Schools were over capacity in 2001. The School Board is currently reviewing school capacity figures, and final numbers for the current year are not yet available for these schools.

Councilmember Gilmore stated she has received approximately 30 phone calls in opposition to this proposal and the concerns are regarding traffic, water issues, flooding and the number of houses being requested per acre. She stated she was also opposed at this time.

Mr. Arthur D. Harris, president of the neighborhood association, expressed concerns regarding the amount and size of the homes to be built.

Mr. Herbert Majors expressed concerns regarding flooding, the amount of homes to be built, traffic, and a decrease in property value.

Mr. Roy Dale, representing the applicant, spoke in favor of the proposal and stated staff recommended RS15. He asked the Commission to act on the RS15 and then the community meeting could take place that Councilmember Gilmore had referred.

Pastor Charles Blackburn expressed concerns regarding the area being saturated with construction for the past six years, traffic, and water problems.

Mr. William Pugh expressed concerns regarding intrusive traffic on his dead end road, drainage and runoff.

Ms. Emma Lockett stated she didn't want any more homes in the area.

Mr. David Geer asked the zoning be left as is.

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

Mr. Clifton moved and Mr. McLean seconded the motion, which carried unanimously, to disapprove.

Resolution No. 2002-107

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-021G-03 is **DISAPPROVED (9-0)**:

The proposed RS15 district is not consistent with the Subarea 3 Plan's Residential Low (RL) policy, calling for 1 to 2 units per acre. It is also inconsistent with the Natural Conservation (NC) policy that applies to a small portion of the site, calling for low-density residential (similar to RL policy) and very low intensity commercial developments. The RS15 district would allow more dwelling units than recommended by either the NC policy or the RL policy."

17. 2002Z-022U-05
Map 082-16, Parcel(s) 90
Subarea 5 (1994)
District 6 (Beehan)

A request to change from CL district to RM40 district property located at Woodland Street (unnumbered), abutting the east margin of South 8th Street, within the East Bank Redevelopment, Urban Zoning Overlay and Historic Edgefield districts, (1.03 acres), requested by David Kline and Brent Grubb of Kline Sweeney Associates, for Wolfgang Sauermann, owner. (See PUD Proposal 2002P-001U-05).

18. 2002P-001U-05
Edgefield Housing
Map 82-16, Parcel(s) 90
Subarea 5 (1994)
District 6 (Beehan)

A request for preliminary approval for a Planned Unit Development District located abutting the south margin of Woodland Street and the east margin of South 8th Street, classified within the CL district and proposed for RM40 district, and also within the East Bank Redevelopment, Urban Zoning Overlay, and Historic Edgefield districts, (1.03 acres), to permit 33 multi-family units, requested by David Kline and Brent Grubb for Kline Swinney Associates, for Wolfgang Sauermann, owner. (See Zone Change Proposal 2002Z-022U-05).

Mr. Jones stated staff recommends *conditional approval of Zone Change 2002Z-022U-0*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

Zone Change

This request is to change 1 acre from CL district to RM40 district property located at Woodland Street (unnumbered), abutting the east margin of South 8th Street, within the East Bank Redevelopment, Urban Zoning Overlay and Historic Edgefield districts. The existing CL district is intended to provide for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, and administrative offices. The proposed RM40 district is designed for high intensity multifamily developments at a density of up to 40 dwelling units per acre.

Staff recommends approval of the RM40 zoning because it is consistent with the Subarea 5 Plan. This property lies within the Commercial Arterial Existing (CAE) policy that extends from I65 to Briley Parkway. The CAE policy is intended for retail, office, and higher density residential uses. This property is within an area where the CAE policy is applied on both sides of Main Street and Woodland Street, except for East Park. This portion of the policy area along Main and Woodland Streets and Gallatin Road, south of the CSX railroad crossing, is all already zoned for, and developed with, a wide range of commercial businesses mixed with mostly institutional uses. Staff supports this change to RM40 to achieve the CAE policy objectives.

PUD Plan

This request is for preliminary approval of a Planned Unit Development district to permit 33 multi-family units. The proposed building has three stories, and is approximately 42 feet tall. The Zoning Ordinance requires 1.5 parking spaces per a 2 bedroom unit, and 1 parking space for every 1 bedroom unit. There are 17 proposed 2 bedroom units and 16 proposed 1 bedroom units. The Zoning Ordinance requires 42 parking spaces, and the plan has 48 spaces. There are existing sidewalks on Woodland and South 8th

Street. The plan complies with all zoning requirements except street setback requirements along South 8th Street.

Review by Other Agencies

The plan has been reviewed by the Metropolitan Historic Zoning Commission because it lies within the Historic Preservation Overlay district (Historic Edgefield). The plan has also been reviewed by Historic Edgefield, Inc. and Rediscover East!. Attached is a letter from Historic Edgefield indicating their support for the project. The Historic Zoning Commission has not yet approved the development. The development request was deferred at their meeting on February 20th in order to form a subcommittee to work with the architect and developer. An additional meeting was held by the Historic Zoning Commission on March 4th with the developer, the architect, and an Edgefield neighborhood representative. The Commission asked for changes to the existing proposal, and they expect the drawings no later than midday on Monday, March 11th. At the request of the architect, the Historic Zoning Commission has called a special meeting on Tuesday, March 12th to review the revised proposal. Staff should have a recommendation from the Historic Zoning Commission prior to the Planning Commission meeting. The Historic Zoning Commission reviews projects within historic districts according to design guidelines based on Secretary of the Interior standards. They insure that projects within these districts are consistent with this national set of standards. The Commission reviews everything visible from the public right-of-way and determines whether or not infill developments are compatible with structures within the historic district.

Building Setback

The building has been brought close to the street with parking at the rear of the building. The Zoning Ordinance permits a reduction of street setbacks for properties within the Urban Zoning Overlay district. Section 17.12.035 allows new principal buildings to be constructed no closer to the street than the front façade of the principal building on the block face that is closest to the street and no further from the street than the front façade of the principal building on the block face that is the furthest from the street. The front façade of the existing building closest to Woodland Street, on the block between South 8th Street and South 9th Street, is located 24 feet from the right-of-way. The Historic Zoning Commission has determined that to preserve the historic context along Woodland Street, the proposed building within the development must be set back 28 feet from the existing right-of-way. The plan shows the building 28 feet from the right-of-way of Woodland Street.

The portion of the building facing South 8th Street is set back 5 feet from the existing right-of-way. This does not adhere to the existing contextual street setback along South 8th Street between Woodland Street and Russell Street. Only one building is located along this portion of South 8th Street, and it is located approximately 13 feet from the right-of-way. There is a text amendment to the Zoning Ordinance (2002Z-12T) that would allow buildings within the UZO to be constructed up to the right-of-way. One of two things must happen for the building to be shown within 5 feet of the South 8th Street right-of-way:

1. The text amendment must be approved by Metro Council, or
2. The Board of Zoning Appeals (BZA) must approve a variance for the required setback.

In the event that Metro Council action is delayed on the text amendment, staff recommends that the Planning Commission indicate to the BZA their support of the variance. Should the BZA not approve the variance, the PUD shall be revised to comply with the setback standards in place at the time the final PUD plan is submitted. This may result in a decrease in units, and may require further Council action.

Vehicular Access

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. The applicant has agreed to widen the existing alley from 16 feet to 20 feet to accommodate safer two-way traffic. The plan shows the right-of-way dedication that will be necessary to make these improvements. According to the applicant and the community, several options for access were considered, but the one that the neighborhood strongly supports is entering off Woodland and exiting onto the alley, directing alley traffic onto South 8th Street.

Schools

A 33 unit multi-family development at RM40 density may generate approximately 7 K-12 students (3 elementary, 2 middle, and 2 high school). Students in this area would attend Warner Elementary, Bailey Middle, and Stratford High. The Metro School Board has provided information that indicates these schools were not over capacity in November 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not available for these schools.

Conditions of Approval

Staff recommends conditional approval of the preliminary PUD provided that the applicant satisfy the following:

1. The Metropolitan Historic Zoning Commission must recommend approval of the development prior to the Planning Commission meeting.
2. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that addresses on-site lighting. Some concerns have been expressed regarding the lighting of the parking lot to the rear of the building. The applicant has indicated that the light fixtures to be used are designed to project directly downward for a minimum of neighborhood light pollution. This shall be noted on the revised plan.
3. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that indicates the location of the residences' mailboxes. The applicant has indicated that the mailboxes were to be placed outside of the controlled access gate at the entrance from Woodland Street. Staff feels that this may cause traffic to back up on to Woodland if people stop in their vehicles to get their mail. The applicant has agreed to submit a revised plan showing the mailboxes in a place that will not disrupt traffic flow.
4. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that indicates the days and times of trash pick-up. A dumpster is shown on the plan along the alley, at the rear of the parking lot. Staff would like to insure that the dumpster is not emptied at late hours, thus disturbing the existing residences.
5. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that shows the location of any pedestrian amenities along Woodland and South 8th Street. The applicant has agreed to submit a section drawing showing how the building relates to the street. Staff would like to insure that a comfortable pedestrian environment is achieved through this development. If pedestrian amenities (benches, lighting, landscaping, etc) are planned and/or necessary, they shall be shown on the revised plan.
6. Approval is contingent upon Metro Council approving the text amendment allowing buildings within the Urban Zoning Overlay district (UZO) to be constructed up to the right-of-way, or the Board of Zoning Appeals (BZA) approving a variance for the required setback. Should the BZA not approve the variance, the PUD shall be revised to comply with the setback standards in place at the time the final PUD plan is submitted.

Mr. Jones stated staff recommends *disapproval of 2002P-001U-05*.

- **Subarea Plan amendment required?** No. A Subarea Plan amendment would normally be required for a request to allow residential zoning with a density of 3 units per acre within a residential policy area that is intended for 1-2 units per acre and a natural conservation policy area. Staff feels this particular request does not warrant an amendment.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 16.8 acres from RS40 (residential) to RS15 (residential) district property at 3763 Westport Drive, 3815 Stevens Lane, and Stevens Lane (unnumbered), abutting the northern terminus of Homeland Drive. The existing RS40 district is intended for single-family dwellings at 1 unit per acre. The proposed RS15 district is intended for single-family dwellings at up to 2.47 units per acre.

Subarea 3 Plan Policy

Staff recommends disapproval of the proposed RS15 zoning due to its permitted density. The majority of these properties are located in the Subarea 3 Plan's Residential Low (RL) policy area and a small portion of the properties is in the Natural Conservation (NC) policy area. The RL policy calls for 1 to 2 units per acre, and the NC policy calls for low-density residential (similar to RL policy) and very low intensity commercial developments. The RS15 district would allow more dwelling units than recommended by either the NC policy or the RL policy.

Topography

The NC policy is applied to a portion of this property due to the steep topography on the property. This property is along a transition line where to the east, flatter topography lends itself to larger lot development to the subject property which has very steep topography. Changing the zoning on this property to RS15 would require more roads and allow more homes, which in turn would require significant grading. The grading needed to develop this property with RS15 zoning would degrade this environmentally sensitive area.

Traffic

The Metro Traffic Engineer has indicated Stevens Lane and Westport Drive can sufficiently accommodate the traffic that would be generated by RS15 zoning on this property.

Schools

A single-family development at RS15 density will generate approximately 9 students (4 elementary, 3 middle, and 2 high school). Students will attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. The Metro School Board has provided information that indicates Alex Green Elementary and Ewing Park Middle Schools were over capacity in 2001. The School Board is currently reviewing school capacity figures, and final numbers for the current year are not yet available for these schools.

Ms. Nielson expressed concerns regarding the wall located at 8th and the alley.

Mr. Kline, stated that wall would be brick.

Ms. Nielson stated that was good and that she just wanted to make sure that was the case.

Ms. Jane Andrews, President of Historic Edgefield stated the developer has worked with the neighborhoods and neighborhood association to make this a good development.

Richard Farmer spoke in opposition to the size of the project and expressed concerns regarding the traffic.

Ms. Jane Andrews stated the size is not larger than the school, Edgehill Baptist Church or other buildings that surround this property.

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

Mr. Clifton asked what size building could be allowed in that location.

Mr. Jones stated it could be 39,000 square feet.

Mr. Kline stated this building would be 33,000 square feet.

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

Resolution No. 2002-108

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-022U-05 is **APPROVED (9-0)**:

This proposed RM40 district is consistent with the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy that extends from I-65 to Briley Parkway. The CAE policy is intended for retail, office, and higher density residential uses. This property is within an area where the CAE policy is applied on both sides of Main Street and Woodland Street, except for East Park."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-001U-05 is given **CONDITIONAL PRELIMINARY APPROVAL (9-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the submittal of any final PUD plan for any phase of this PUD, the Metropolitan Council shall have approved the preliminary PUD plan and zone change (2002Z-022U-05).
3. Prior to any final PUD submittal for any phase of this PUD, a boundary plat shall be submitted to the Planning Commission for review and approval.
4. A final plat shall be recorded and bonds shall be posted for any necessary public improvements, including the dedication of a 4' x 90' strip of right-of-way along Alley #284 to the rear of the property.
5. This preliminary 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 PUD plan if a boundary survey confirms there is less acreage.
6. Prior to Metro Council approval of the Planned Unit Development, the Metropolitan Development and Housing Agency (MDHA) shall have approved the preliminary PUD plan.
7. This preliminary PUD approval is contingent upon Metro Council approving text amendment (2002Z-012T) allowing buildings within the Urban Zoning Overlay (UZO) to be constructed up to the right-of-way, or the Board of Zoning Appeals (BZA) approving a variance for the required building setback on South 8th Street. Should the BZA not approve the variance, the PUD shall be revised to comply with the building setback standards in place at the time the final PUD plan is submitted.

- ~~1. Prior to final PUD approval by the Planning Commission, the development shall receive final approval by the Metropolitan Historic Zoning Commission.~~
- ~~2. A revised preliminary PUD plan shall be submitted within two weeks of Planning Commission preliminary approval that addresses the following:
 - ~~a.) On site Lighting — A lighting plan shall be submitted with light fixtures designed to project light directly downward for a minimum of neighborhood light pollution. This shall be noted on the revised plan.~~
 - ~~b.) Mailbox Location — The revised preliminary PUD plan shall indicate the location of the residences' mailboxes within the rear parking area as approved by the Metropolitan Historic Zoning Commission on March 12, 2002.~~~~

- e.) ~~Trash Pick up~~—The revised preliminary PUD plan shall indicate, with a note, the days and times of trash pick up. These days and times shall consider adjacent residents. The Planning Director shall approve the proposed days and times.—
- d.) ~~Pedestrian Amenities~~—The revised preliminary PUD plan shall show the location of any pedestrian amenities along Woodland and South 8th Street, including benches, lighting, landscaping, etc. The Planning Director shall approve the submitted plan.²²

19. 2002Z-024G-14
 Map 097-00, Parcel(s) 124
 Subarea 14 (1996)
 District 12 (Ponder)

A request to change from CL district to CS district property at Sells Drive (unnumbered), approximately 300 feet east of Old Hickory Boulevard, (1.44 acres), requested by R. Chris McGill of R. Chris McGill Architects, appellant, for Drury Inns, Inc., owner. (See PUD Proposal 210-73-G-14).

20. 210-73-G-14
 Drury Commercial PUD
 Map 97, Parcel(s) 124
 Subarea 14 (1996)
 District 12 (Ponder)

A request to amend a portion of the Commercial Planned Unit Development District located abutting the east margin of Old Hickory Boulevard and the north margin of Sells Drive, classified within the CL district and proposed for CS district, (1.43 acres), to permit a 10,000 square foot boat sales facility, replacing an undeveloped 40,950 square foot, 80 unit, 6-story hotel, requested by R. Chris McGill Architects for Drury Inns, Inc., owner. (See Zone Change Proposal 2002Z-024G-14.)

Mr. Leeman stated Staff recommends *approval* of the Zone Change and *conditional approval* of the PUD Amendment.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

Zone Change

This request is to rezone 1.44 acres from CL (commercial-limited) to CS (commercial-services) district property at Sells Drive (unnumbered), approximately 300 feet east of Old Hickory Boulevard. The existing CL district is intended for a limited number of commercial uses, including retail, office, restaurant, and bank uses. The proposed CS district is intended for a wide range of commercial uses including, retail, office, restaurant, vehicle sales, light manufacturing, mini-storage, and bank uses.

Staff recommends approval of the proposed zoning since it is consistent with the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy. That policy calls for a mixture of commercial development providing both consumer goods and services and employment in areas with good regional accessibility. This property is located near the I-40 interchange at Old Hickory Boulevard with extremely good regional access.

PUD

There is also a request to amend a portion of the existing commercial PUD district to permit a 10,000 square foot boat sales facility, replacing an undeveloped 40,950 square foot, 80-unit, 6-story hotel. This PUD also includes the Deloitte and Touche property to the east (map 86, parcel 120).

“Boat Sales” is treated the same as vehicle sales in the Zoning Ordinance. This use was not originally approved in the PUD and is not permitted by the existing CL base zoning. Therefore, the PUD is being amended to allow this use, and the proposed zoning is CS district. Staff recommends conditional approval since it is consistent with the CMC policy in the area, and with a condition that no billboards will be permitted within the PUD.

Traffic

The Metro Traffic Engineer has indicated that Sells Drive and Old Hickory Boulevard can accommodate the traffic generated by the CS zoning or the boat sales facility.

Mr. Small asked if boat repair would also be permitted in this zoning.

Mr. Leeman stated it would be, but it would not be allowed unless it came back before this Commission as a PUD revision.

Mr. Doug Watts, spoke in favor of the proposal.

Mr. Tom Corchran stated that this proposal does not fit in that area and diminishes the value of the property.

Mr. Chris McGill, representing the applicant, explained the plan, and spoke in favor of the proposal.

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

Mr. Clifton asked if there was any CS zoning on that side of the interstate.

Mr. Leeman stated there was not. There is CS on the north side, but not on the south side.

Mr. McLean stated that in regards the boat sales would certainly generate less traffic than some other business in that area.

Mr. Clifton stated he was opposed to limiting the use to boat sales because that would be more strict than anything else in our code.

Mr. Leeman stated the Commission could put a condition on the PUD to limit the type sales.

Mr. McLean moved and Councilmember Summers seconded the motion, which carried with Mr. McLean, Mr. Cochran, Chairman Lawson, Ms. Jones and Councilmember Summers in favor and with Vice Chairman Small, Ms. Nielson, Mr. Clifton, and Ms. Cummings in opposition, to approve the following resolution:

Resolution No. 2002-109

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-024G-14 is **APPROVED (5-4)**:

The proposed CS district is consistent with the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy. That policy calls for a mixture of commercial development providing both consumer goods and services and employment in areas with good regional accessibility. This property is located near the I-40 interchange at Old Hickory Boulevard with extremely good regional access.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 210-73-G-14 is given **CONDITIONAL APPROVAL WITH AMENDMENT THAT IF USE CHANGES FROM**

BOAT SALES TO ANOTHER USE, THEN IT GOES BACK TO THE METRO COUNCIL AS A PUD AMENDMENT (5-4): 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.
2. Billboards are prohibited within this Commercial PUD district.
3. Approval by the Metro Council of this PUD amendment and the associated zone change (2002Z-024G-14).”

21. 2002Z-026U-10
Map 092-16, Parcel(s) 347
Subarea 10 (1994)
District 19 (Wallace)

A request to change from ORI district to CF district property located at 700 18th Avenue South, south of Division Street within the Urban Zoning Overlay district, (.17 acres), requested by Jane Chera, owner.

Mr. Hardison stated staff recommends disapproval.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.17 acres from ORI (office and residential intensive) to CF (core frame) district property at 700 18th Avenue South, south of Division Street. The existing ORI district is intended for office, and residential multi-family uses with limited retail opportunities. The proposed CF district is intended for parking and commercial service support uses.

Subarea Plan Policy

Staff recommends disapproval of the CF zoning since it is not in keeping with the existing ORI zoning pattern. The property is located within the Subarea 10 Plan's Office Concentration (OC) policy area, which calls for large concentrations of office development. This area has a large pattern of CF zoning that occurs north of Division Street, and on the properties to the south with frontage on Division Street. The area is also on the border of the Subarea 10 Plan's OC policy and Mixed Use (MU) policy. The properties that front Division Street are predominantly within the MU policy, but there are a few properties that are located within the OC policy that are also zoned CF. The existing boundary for the CF district in this area is well defined and rezoning this property will encroach into the ORI district.

Along Division Street there is mixture of MU policy and OC policy all of which is zoned CF in order to maintain the taller buildings and the variety of uses. In this area, Division Street marks the transition from large-scale commercial buildings, to single-family homes and smaller-scale office buildings. The CF zoning that occurs in the OC policy area that runs along Division Street maintains the gateway effect from the more intense business district between Church Street to the north and Division Street to the south. Development south of Division Street is predominately large homes that have been converted into office uses. This property currently is being used as a low-rise office building. Within the CF district a much taller building could be constructed than what is allowed in the ORI district.

Traffic

The Metro Traffic Engineer has indicated 18th Avenue South can sufficiently accommodate the traffic that would be generated by CF zoning on this property.

Ms. Jane Chera, applicant, stated she was surprised by staff's recommendation of disapproval. She passed around pictures of additional properties in the area and spoke in favor of the proposal.

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

Ms. Jones stated that whole area is going in this direction, but the zoning lines should remain as they are.

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

Resolution No. 2002-110

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-026U-10 is **DISAPPROVED (9-0)**:

The proposed CF district is inconsistent with the existing zoning pattern in this area. The property is located within the Subarea 10 Plan's Office Concentration (OC) policy area, which calls for large concentrations of office development. The existing boundary for the CF district in this area is well defined by properties that have frontage along Division Street. Rezoning this property to CF district will encroach into the ORI district."

24. 2001P-009G-13
Maxwell Place
Map 176, Parcel(s) 27
Subarea 13 (1996)
District 29 (Holloway)

A request for preliminary approval for a Planned Unit Development District located abutting the south margin of Maxwell Road, 1,050 feet east of LaVergne-Couchville Pike, classified within the RS10 district, (15.3 acres), to permit 62 single-family lots with 6 lots designated as affordable housing lots, requested by Wamble and Associates for Continental Development, owner. (Deferred from meeting of 8/30/01).

Mr. Leeman stated staff recommends *conditional approval* with a variance to Section 2-6.2.1E of the Subdivision Regulations for the horizontal curve in the road.

This item was deferred indefinitely at the August 30, 2001, Planning Commission meeting to allow the applicant more time to discuss the proposal with the neighbors. This request is for preliminary approval of a Planned Unit Development district located on the south side of Maxwell Road, east of LaVergne-Couchville Pike to permit 62 single-family lots. The developer also plans to designate six of the 62 lots for affordable housing. The PUD is proposed on 15.3 acres at a density of 4.05 dwelling units per acre. The existing RS10 zoning permits a maximum density of 3.7 single-family dwelling units per acre. Under the RS10 zoning, 57 single-family lots would be permitted. However, using the 10% affordable housing density bonus that is permitted in PUD districts (Section 17.36.090B), 62 single-family lots are permitted. Staff recommends conditional approval provided Public Works approves the plans prior to the Planning Commission meeting.

Although the overall proposed density is 4.05 dwelling units per acre, which is slightly higher than the Subarea 13 Plan's Residential Low Medium (RLM) policy of 2 to 4 dwelling units per acre, it is consistent with the goal of providing a diversity of housing types. This plan includes a mixture of market rate housing and affordable housing in proximity to one another. The plan provides two public roads from Maxwell Road, with one stub street to the east to provide a connection for future development. It also provides private alleys internally to create a streetscape with homes fronting the public streets and garages in the rear. The southern portion of the PUD will remain undeveloped in common open space due to two sinkholes. Public Works will require approval by the State of Tennessee Department of Environment prior to final PUD approval since these sinkholes will be used for stormwater runoff. Lots 206-213 have been

designated as Critical Lots requiring special design consideration. Furthermore, a special note has been placed on the plan requiring a geotechnical investigation of each sinkhole, to determine which one has the best geological features to receive the stormwater, prior to final PUD approval.

Traffic

The Metro Traffic Engineer has indicated that the developer will be required to widen Maxwell Road along the frontage of this property to collector street standards. No other off-site road improvements will be required since the roads in this area can currently accommodate the traffic to be generated by this development.

Variance—Horizontal Curve Radius

Section 2-6.2.1E of the Subdivision Regulations requires a minimum horizontal curve radius of 300 feet for minor local through-streets with a 30 m.p.h. speed limit, while this plan proposes a horizontal curve of approximately 110 feet. Staff recommends approval of this variance since the majority of the lots on this curve are proposed with alley-loaded garages in the rear. With a limited number of driveway cuts along this curve, the safety concerns that may otherwise exist due to limited sight distance are decreased.

Schools

A single-family development with 62 lots could generate approximately 13 students (6 Elementary, 4 middle, and 3 high school). The Metro School Board has provided information that indicates Mt. View Elementary and Kennedy Middle School were over capacity in November 2001. Antioch High School was not over capacity in November 2001. The RS10 zoning district has been in place since 1998. The School Board is currently reviewing school capacity figures, and final numbers for the current year are not available for these schools.

Chairman Lawson asked who would approve the sinkholes for drainage.

Mr. Leeman stated the State would be responsible for that.

Ms. Judy Mayo, adjoining property owner, spoke in opposition to the proposal and expressed concerns regarding drainage, sinkholes, the high number of homes proposed, and erosion.

Mr. Mike Renock stated all the runoff concerns have been addressed in the plans, and that the Public Works Department will have to approve the drainage construction. He asked for approval.

Mr. Darryl Makar, expressed concerns regarding runoff.

Mr. Danny Wamble, Wamble and Associates, explained the drainage plans.

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

Mr. McLean moved and Ms. Nielson seconded the motion, which carried with Mr. Cochran abstaining, to approve the following resolution:

Resolution No. 2002-111

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2001P-009G-13 is given **CONDITIONAL PRELIMINARY APPROVAL WITH A VARIANCE FOR THE HORIZONTAL CURVE IN THE ROAD (9-0)**: The following conditions apply:

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

2. Prior to the submittal of any final PUD plan for any phase of this PUD, the Metropolitan Council shall have approved the preliminary PUD plan.
3. Prior to any final PUD submittal for any phase of this PUD, a boundary plat shall be submitted to the Planning Commission for review and approval.
4. Prior to the issuance of any building permits, a final plat shall be recorded and bonds shall be posted for any necessary public improvements, including the widening of Maxwell Road to collector street standards along the property's frontage. The plat shall include all required information from Section 17.36.090B.
5. All lots shall be outside any sinkhole, including lots 206-213. Should more specific site-surveys increase the area of the sinkhole at the final PUD stage, the total number of lots may be reduced.
6. Prior to or in conjunction with the submittal of any final PUD plans, the applicant shall provide the Planning Department and Public Works written verification from the State of Tennessee Department of Environment and Conservation that they have approved the plan with respect to the sinkholes.
7. Prior to or in conjunction with the submittal of any final PUD plan, a geotechnical investigation shall be submitted to the Planning Department for review and approval to determine which sinkhole has the best geological features to receive the stormwater drainage.
8. This preliminary plan approval for the residential portion of the 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 PUD plan if a boundary survey confirms there is less acreage.
9. All proposed alleys shall be private and shall be maintained by the Homeowner's Association.

FINAL PLAT SUBDIVISIONS

27. 2002S-060G-03
 OLE ORCHARD, Phase 3
 Map 049-00, Parcel(s) 279
 Subarea 3 (1998)
 District 1 (Gilmore)

A request for final plat approval to subdivide one parcel into two lots abutting the north margin of Lloyd Road, approximately 240 feet west of Whites Creek Pike, (.67 acres), classified within the R15 district, requested by William H. and Jean O. Thompson, Jr., owners/developers, Walter Davidson and Associates, surveyor.

Ms. Regen stated staff recommends *disapproval*.

This request is for final plat approval to subdivide one parcel into two lots on approximately 0.67 acres, abutting the north margin of Lloyd Road. The Subarea 3 Plan's Residential Medium (RM) policy is applied to this area. The property is located within the R15 district in the Whites Creek area. The Metro Board of Zoning Appeals (BZA) approved on March 20, 2001 a variance request case #01-007 to permit both lots to be less than the 15,000 square foot lot size required by the R15 district. Sidewalks are required along Lloyd Road and the applicant has not shown them on the plan or applied for a variance or in-lieu fee.

Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as

well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 0.35 acres, and the minimum allowable frontage is 86 feet. Both lots fail comparability for frontage and for acreage with lot 1 having 82.8 feet and lot 2 having 81.1 feet of frontage and both lots having 0.35 acres. Lot 1 contains 86% and lot 2 contains 84% of the required 90% of frontage, and both lots contain only 72% of the required 75% of acreage.

Staff recommends disapproval of this final plat since it fails to meet lot comparability and sidewalks are not shown along Lloyd Road. The applicant has requested a variance for lot comparability, since the BZA approved a variance for lot size, and a portion of the property was sold to the Metro School Board for the construction of Alex Green Elementary. Staff does not support the proposed lot area variance. These lots are below the minimum allowable acreage and frontage for lots in this area. The lots also are inconsistent in size with other phases of the Ole Orchard subdivision previously approved by the Planning Commission for the same property owner along Lloyd Road.

Councilmember Gilmore stated she is supporting this proposal.

Mr. Walter Davidson, representing the property owner, spoke in favor of the proposal.

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

Mr. Clifton asked if the Commission had the authority to vary from the requirement of the Subdivision Regulations.

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

Resolution No. 2002-112

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-060G-03, is **DISAPPROVED (9-0).”**

PLANNED UNIT DEVELOPMENTS (revisions)

30. 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 240 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.

Mr. Leeman stated the applicant is present as has requested an indefinite deferral.

Ms. Nielson moved and Ms. Jones seconded the motion, which carried unanimously, to close the public hearing and defer this matter indefinitely.

OTHER BUSINESS

39. Legislative Update

Councilmember Summers stated he had nothing to report.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:05 p.m.

Chairman

Secretary

Minute Approval: this 28th day of March 2002



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