

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: March 27, 2003
Time: 4:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman
Councilmember John Summers
Joe Sweat, Mayor's Designee
Victor Tyler

Absent:

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Abby Scott, 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 the following changes to the agenda:

10. 2003Z-039U-10, Should read: Map 131-4 Parcels 209-221, 224-240, 242, 246, 252,258 and 276; Map 131-8 Parcels 10-71 and 19-26.

13. 2003Z-046U-10, Should be 6.78 acres, and 5.41 acres.

23. 2003M-034G-14, Change to District 11 (Brown).

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

APPROVAL OF MINUTES

Mr. Sweat moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 27, 2003.

RECOGNITION OF COUNCILMEMBERS

Councilman Adam Dread read a letter from a resident of Baldwin Arbor, item 16. 98S-129U-10. The letter stated the installing the sidewalks would be a hardship to the 9 families that live there.

Council Lady-At-Large Carolyn Tucker commended citizen input at this meeting and stated she would speak again as her items come up on the agenda.

Councilman Ron Turner spoke in favor of item 10. 2003Z-039U-10.

Councilman-At-Large David Briley spoke in favor of item 1. 2003Z-007T.

Ms. Cummings arrived at 4:20 p.m., at this point in the agenda.

Councilmember Amanda McClendon spoke in favor of item 1. 2003Z-007T, and in opposition to item 8. 2003Z-037U-11.

Councilman Phil Ponder spoke regarding item 12. 2003Z-041G-14 and stated he had heard equal comments in favor and in opposition to this proposal.

PUBLIC HEARING

OTHER BUSINESS

1. Executive Director Reports

Mr. Bernhardt reminded the Commission about the Nashville Downtown Partnership meeting on Friday, April 4, 2003.

3. Legislative Update

Mr. Bernhardt stated Council passed the floodplain bill.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

Staff announced there are no deferred or withdrawn items.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Note: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

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

OTHER BUSINESS

- 2. Employee Contracts for Randolph F. Reed

Resolution No. 2003-103

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the contract for Randolph F. Reed for one year.”

**PUBLIC HEARING
ZONING MAP AMENDMENTS**

- 1. 2003Z-007T**
Council Bill No. BL2003-1346

A request to amend Section 17.08.030, 17.16.110 and 17.16.210 (Waste Transfer Stations) of the Zoning Ordinance to classify Waste Transfer Stations as SE in all applicable zoning districts, requested by Councilmember David Briley.

Project No. Text Change 2003Z-007T
Associated Case None
Council Bill BL2003-1346
Staff Reviewer Leeman

Staff Recommendation *Approve*

REQUEST Request from Councilmember David Briley to change the text of the Zoning Code (Sections 17.08.030, 17.16.110, and 17.16.210) to classify Waste Transfer Stations as Special Exceptions (SE) in all applicable zoning districts (CF, IWD, IR and IG).

ANALYSIS

Background Although the Zoning Code currently identifies Waste Transfer Stations as a special exception (SE) use in the District Land Use Table (17.08.030), there is no record as to how it became a SE use. It appears there was a mistake in the codification of Sections 17.08.030, and 17.16.110 and 17.16.210 of the Zoning Code, as published by the Lexis Nexis publishing group.

This council bill will confirm and adopt what is already shown in the Zoning Code District Land Use Table (17.08.030) for Waste Transfer Stations and what is shown in Sections 17.16.110 and 17.16.210 since it has been the intent of the Metro Council to designate waste transfer stations as special exceptions (SE), not as permitted with conditions (PC) or permitted (P) by right.

The sponsor of this bill has indicated that it has always been the intent for Waste Transfer uses to be designated as SE since this would allow the Metro Council and Board Zoning Appeals (BZA) the opportunity to review each individual Waste Transfer use, versus allowing a permit to be issued with no further review.

Evidence of the Council’s intent for Waste Transfer uses to be a SE use is found in Section 17.40.280 of the current Zoning Code which says: “The metropolitan board of zoning appeals shall hear and decide

requests for special exceptions in accordance with the provisions of this zoning code. Special exceptions shall be regulated in a manner consistent with Section 13-7-206, Tennessee Code Annotated. The specific location of a sanitary landfill, asphalt plant, historic bed and breakfast homestay, waste transfer facility, airport runway, hazardous operation and wastewater treatment facility shall first be approved by a resolution adopted by the metropolitan council prior to the public hearing by the board of zoning appeals.” (emphasis added).

Resolution No. 2003-104

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-007T is **APPROVED (9-0)**:

This council bill will confirm and adopt what is already shown in the Zoning Code District Land Use Table (17.08.030) for Waste Transfer Stations and what is shown in Sections 17.16.110 and 17.16.210 since it has been indicated that it has been the intent of the Metro Council to designate waste transfer stations as special exceptions (SE), not as permitted with conditions (PC) or permitted (P) by right. Allowing the BZA and Metro Council to review each individual request for Waste Transfer Uses is appropriate.”

5. 2002Z-128U-10
Council Bill No. BL2003-1317
Map 117-11, Parcel 11
Subarea 10 (1994)
District 25 (Shulman)

A request to change from R40 district to RS20 district property at 1920 A Woodmont Boulevard at the intersection of Woodmont Boulevard and Hopkins Street, (1.03 acres), requested by Jeff Heinze of Littlejohn Engineering Associates, applicant, for Craig and Nichole Huseby, owners.

Project No. Zone Change 2002Z-128U-10
Associated Case None
Council Bill BL2003-1317. This item was referred back to the Planning Commission with a proposed amendment to the bill from R20 to RS20.
Staff Reviewer Leeman

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 1.03 acres from Residential (R40) to Residential (RS20) at 1920 A Woodmont Boulevard.
Existing Zoning
R40 zoning R40 zoning is intended for residential single-family and duplexes at 40,000 sq. ft. per lot.
Proposed Zoning
RS20 zoning RS20 zoning is intended for residential single-family at 20,000 sq. ft. per lot and a maximum density of 1.85 units per acre.

SUBAREA 10 PLAN POLICY

Residential Low (RL) The RL policy is intended for residential dwelling units at no more than 2 units per acre.

Policy Conflict None. The proposed rezoning would allow the construction of two single-family lots on this 1.03-acre property, if the property is later subdivided. Staff recommends approval of the proposed rezoning of this property since RS20 is consistent with the Subarea 10 Plan’s RL policy for this area, calling for residential development at up to 2 dwelling units per acre.

RECENT REZONINGS Yes. The Planning Commission disapproved a request for R20 zoning on January 9, 2003, finding that the proposed R20 district was not consistent with the Subarea 10 Plan’s RL policy calling for residential development at no more than 2 dwelling units per acre. The Subarea 10 plan specifically calls for development at RLM (2 to 4 dwelling units per acre) densities to be limited to the strip

between Benham Avenue and Golf Club Lane and the area north of the subject property, while the R20 district allows more than 2 dwelling unit per acre.

TRAFFIC With RS20 zoning the applicant would be allowed to construct 2 single-family homes. Approximately 19 to 23 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Finding No exceptions taken

SCHOOLS

Students Generated 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students will attend Julia Green Elementary School, J.T. Moore Middle School, and Hillsboro High School. Julia Green Elementary, J.T. Moore Middle, and Hillsboro High Schools have all been identified as being overcrowded.

Resolution No. 2003-105

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-128U-10 is **APPROVED (9-0)**:

9. 2003Z-038U-05
Map 93-8, Parcel 72
Subarea 5 (1994)
District 6 (Beehan)

A request to change from IR district to MUG district property at 510 Davidson Street, abutting the southern margin of Davidson Street, (1.72 acres), requested by Robert A. and Suzanne G. Warner, owners.

Project No. Zone Change 2003Z-038U-05
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 1.72 acres from Industrial Restrictive (IR) to Mixed Use General (MUG) at 510 Davidson Street.

Existing Zoning

IR zoning IR zoning is intended for a wide range of light manufacturing uses.

Proposed Zoning

MUG zoning MUG zoning is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 5 PLAN POLICY

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Policy Conflict None. The proposed MUG district allows for the intended retail, offices and residential uses. This area is zoned predominately for industrial uses with the intent to create a commercial area along the east bank of the Cumberland River. The MUG zoning would allow for retail uses, but would also create residential opportunities in this area.

RECENT REZONINGS None

TRAFFIC Based on typical uses in MUG district the retail and office uses would generate approximately 189 to 700 vehicle trips per day. Assuming the property was developed with 224, 1,000 sq.

ft. apartments approximately 1,485 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings No exception taken

SCHOOLS

Students Generated by

MUG Zoning* 34 Elementary 25 Middle 18 High

Schools Over/Under Capacity Students will attend Kilpatrick Elementary School, Dalewood Middle School, and Stratford High School. Kilpatrick Elementary has been identified as being overcrowded, Dalewood Middle, and Stratford High have been identified as being overcrowded by the Metro School Board.

*The numbers for MUG zoning are based upon students generated if the MUG zoning were to develop as residential instead of office and commercial. This number also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Resolution No. 2003-106

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-038U-05 is **APPROVED (9-0)**:

The proposed MUG district is consistent with the Subarea 5 Plan's Commercial Mixed Concentration (CMC) policy calling for a wide range of uses, including retail, office and residential uses. This area is zoned predominately for industrial uses with the intent to create a commercial area along the east bank of the Cumberland River. The MUG zoning would allow for retail uses, but would also create residential opportunities in this area."

10. 2003Z-039U-10

Map 131-4, Parcels 209-221, 224-240, 242-246,
252-258 and 276

Map 131-8, Parcels 10-17 and 19-26

Subarea 10 (1994)

District 33 (Turner)

A request to change from R20 district to RS20 district properties at 1100-1112, 1114, 1116, 1118, 1122, 1124-1127, 1129-1136, 1138-1144 Brookmeade Drive, and 1119-1135, 1137, 1139, 1142, 1143, 1148 Duncanwood Drive, along Duncanwood Drive and Brookmeade Drive, (28.27 acres), requested by Councilmember Ron Turner, applicant, for various owners.

Project No. Zone Change 2003Z-039U-10

Associated Case None

Council Bill None

Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 28.27 acres from Residential (R20) to Residential Single-Family (RS20) at 1100-1112, 1114, 1116, 1118, 1122, 1124-1127, 1129-1136, 1138-1144 Brookmeade Drive, and 1119-1135, 1137, 1139, 1142, 1143, 1148 Duncanwood Drive.

Existing Zoning

R20 zoning R20 zoning is intended for single-family homes and duplexes on 20,000 sq. ft. lots.

Proposed Zoning

RS20 zoning RS20 zoning is intended for single-family homes at 1.85 units per acre.

SUBAREA 10 PLAN POLICY

Residential Low (RL) RL policy calls for residential development at 1 to 2 dwelling units per acre.

Policy Conflict None. The Subarea 10 Plan designates this area within the Residential Low (RL) policy calling for 1 to 2 dwelling units per acre. While the RL policy can include duplexes, the plan's intent is to preserve the existing single-family character. The plan calls for future zoning decisions to maintain the existing densities and predominant housing types. This proposal limits the number of duplexes to the existing number (2) and prohibits new duplexes. Existing duplexes will be considered legally non-conforming.

RECENT REZONINGS None

TRAFFIC No new traffic will be created by this zone change request.

Traffic Engineers Comments No exception taken

SCHOOLS The change from R20 to RS20 district will not increase the amount of students generated by this rezoning. Since the RS20 district restricts dwelling units to single-family residences, no more development can occur than what exists.

Resolution No. 2003-107

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-039U-10 is **APPROVED (9-0)**:

The proposed RS20 district is consistent with the Subarea 10 Plan’s Residential Low (RL) policy calling for 1 to 2 dwelling units per acre. While the RL policy can include duplexes, the plan's intent is to preserve the existing single-family character. The plan calls for future zoning decisions to maintain the existing densities and predominant housing types. This proposal limits the number of duplexes to the existing number (2) and prohibits new duplexes.”

PRELIMINARY SUBDIVISION PLATS

- 15. 2003S-069U-12**
- Ackerman Hills Subdivision
- Map 147-8, Parcel 171
- Subarea 12 (1997)
- District 26 (Arriola)

A request for preliminary and final plat approval to subdivide one parcel into four lots abutting the east margin of Taylor Road, opposite Old Goins Road, (.86 acres), classified within the R6 district, requested by Jeff Ackerman, owner/developer, Stantec Consulting Services, Inc., surveyor.

Project No. 2003S-069U-12
Project Name Ackerman Hills Subdivision
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions and a sidewalk variance.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide one parcel in to 4 lots on 0.86 acres, located on the east margin of Taylor Road, opposite Old Goins Road.

ZONING

R6 zoning R6 zoning requires a minimum lot size of 6,000 square feet.

SUBDIVISION DETAILS
minimum lot frontage.

All 4 lots pass the comparability test for minimum lot size and

SUBDIVISION VARIANCES

Sidewalks (Sec. 2-6.1) The Subdivision Regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties for a length of 200 feet. A sidewalk variance is required for all 4 lots. The applicant has requested a sidewalk variance due to the existing non-conforming roadway section on Taylor Road and the amount of roadwork that would be required to meet Metro Public Works sidewalk construction standards. In addition, the applicant has stated that it will not impair the pedestrian network in the area because there currently is not a pedestrian network.

Metro Public Works Findings Taylor Road has a pavement width of 18-20 feet and a shoulder of 5-6 feet. There is an existing storm water drainage ditch on both sides of Taylor Road. The pavement would need to be widened in addition to the construction of curb and gutter with the construction of sidewalks. There are also underground water and sewer lines located on the east side of Taylor Road.

Staff Recommendation Approve the sidewalk variance. A section of sidewalk approximately 200 feet in length will require major reconstruction of the roadway by widening and construction of the curb and gutter system for a relatively short section of sidewalk in a midblock location, which is inconsistent with good planning and design.

Public Works Recommendation No exception taken

CONDITIONS

1. A revised plat prior to recording needs to be submitted that corrects note #8. The note should read as follows, "All lots are to be served by individual water and sewer lines."
2. A copy of the final plat approved by NES shall be submitted prior to the recording of the final plat.
3. Grading plans must be approved by the Stormwater Management Division of Water Services and the plat updated to reflect changes required by those grading plans, prior to the recording of the final plat.

Resolution No. 2003-108

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-069U-12, is **APPROVED WITH CONDITIONS AND A SIDEWALK VARIANCE (9-0)**.

1. A revised plat prior to recording needs to be submitted that corrects note #8. The note should read as follows, "All lots are to be served by individual water and sewer lines."
2. A copy of the final plat approved by NES shall be submitted prior to the recording of the final plat.
3. Grading plans must be approved by the Stormwater Management Division of Water Services and the plat updated to reflect changes required by those grading plans, prior to the recording of the final plat."

PLANNED UNIT DEVELOPMENTS (revisions)

17. 2002P-007U-10
Bellsouth Telecommunications
Map 104-10, Parcel 272
Subarea 10 (1994)
District 18 (Hausser)

A request for final approval for the Planned Unit Development located abutting the south margin of Hillside Drive, west of Sharondale Drive, classified RM40, (.90 acres), to permit an 11,785 square foot second story addition to an existing 21,250 square foot single story telecommunication equipment center, for Bell South Telecommunications, Inc., owner.

Project No. Planned Unit Development 2002P-007U-10
Project Name BellSouth Telecommunications
Council Bill BL2002-1257
Associated Case None
Staff Reviewer Scott

Staff Recommendation *Approve with Conditions.*

APPLICANT REQUEST

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

This request is for final PUD approval to permit the second story addition to an existing telecommunications building on a 0.9 acre parcel located on Hillside Drive.

Existing Zoning

RM40 zoning The property is currently zoned RM40 with a Planned Unit Development overlay. The Planning Commission approved the preliminary PUD on November 14, 2002 and the Metropolitan Council subsequently approved that plan.

PLAN DETAILS The applicant's plan proposes an 11,785 square foot second floor addition to an existing 21,250 square foot building that is used for housing telephone equipment.

The plan includes upgrades to the existing façade of the building. Glass blocked windows will be added to the first floor to match the windows on the second floor. A landscape buffer yard and a six foot brick wall will be added along the perimeter of the property. Existing bollards along the property edge on Hillside Drive will be incorporated into a new brick and wrought iron privacy wall. Trees will be planted on the property adjacent to the alley on the south side of the building to provide screening for the adjacent property owners.

Although this property has a base zoning of RM40, the PUD plan includes a note stating that any future uses other than telephone services shall require Metro Council approval.

The proposed plan is consistent with the approved preliminary in terms of building location and additions, access, uses and landscaping.

TRAFFIC Based upon the 11,785 square foot addition to the building, approximately 5.77 trips per day would be generated by the telecommunications use (Institute of Transportation Engineers, 6th Edition, 1996).

Traffic Engineer's Findings No exception taken

CONDITIONS

1. Future uses other than telephone services shall require Metro Council approval. Prior to the issuance of any permits, confirmation of final approval of this proposal shall forward to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services. 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. 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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission. The applicant will be responsible for planting all proposed landscaping on adjacent properties, where adjacent property owners agree, as shown on the approved PUD plan. Bellsouth will only be responsible for installation of the landscaping.

Hillside Drive will be the primary construction ingress/egress.

Fence must be constructed, as shown on the PUD plan.

Roof must be built as shown on the PUD plan.

Windows must be installed and constructed as shown on the PUD plan.

Resolution No. 2003-109

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-007U-10 is **APPROVED WITH CONDITIONS (9-0)**.

The following conditions apply:

1. Future uses other than telephone services shall require Metro Council approval.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall forward to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the 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.
7. The applicant will be responsible for planting all proposed landscaping on adjacent properties, where adjacent property owners agree, as shown on the approved PUD plan. Bellsouth will only be responsible for installation of the landscaping.
8. Hillside Drive will be the primary construction ingress/egress.
9. Fence must be constructed, as shown on the PUD plan.
10. Roof must be built as shown on the PUD plan.
11. Windows must be installed and constructed as shown on the PUD plan.”

MANDATORY REFERRALS

18. 2003M-010U-08

Close Portions of Various Alleys

Map 81-16, Various Parcels

Subarea 8 (1995)

District 19 (Wallace)

A request to close a portion of Alley #571 between Map 81-16, Parcels 422, 423, and 424 southwest of 14th Avenue North; to relocate Alley #577 from Meharry Boulevard north to its terminus at Alley #571, approximately 23 feet towards 14th Avenue North; and to close a portion of an unnamed alley from Meharry Boulevard north to its terminus at Map 81-16, Parcel 426, as requested by Michael Delvizio, Stantec Consulting Services, Inc., for Matthew Walker Comprehensive Health Center, Inc., abutting property owner. (Easements to be abandoned and all utilities to be relocated at owner's expense).

Project No. Mandatory Referral 2003M-010U-08
Project Name Close Portions of Various Alleys for Matthew Walker Comp. Health Center
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve as revised*

APPLICANT REQUEST A request to close a portion of Alley #571 between Map 81-16, Parcels 422, 423, & 424 southwest of 14th Avenue North; to relocate Alley #577 from Meharry Boulevard north to its terminus at Alley #571 approximately 23 feet towards 14th Avenue North; and to close a portion of an Unnamed Alley from Meharry Boulevard north to its terminus at Map 81-16, Parcel 426, as requested by Michael Delvizio, Stantec Consulting Services, Inc., for Matthew Walker Comprehensive Health Center, Inc., abutting property owner.

(Easements to be abandoned and all utilities to be relocated at owner's expense)

APPLICATION REQUIREMENTS

Application properly completed
and signed? Yes

Abutting property owners' sign
application? Yes

DEPARTMENT AND AGENCY

COMMENTS All reviewing agencies recommend approval as revised. This item was originally scheduled for the January 23, 2003 MPC agenda. It was deferred due to agency concerns, and has since been revised to not close Alley #577. Instead of closing the alley, it will be relocated about 25 feet closer to 14th Avenue North.

Resolution No. 2003-110

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-010U-08 is **APPROVED (9-0) as revised where easements to be abandoned/relocated at applicant's expense.**"

19. 2003M-012U-07
Close Portion of 61st Avenue North
Map 80, Parcels 7, 65 and 67
Subarea 7 (2000)
District 22 (Hand)

A request to close a portion of 61st Avenue North from the CSX railroad tracks north to its terminus at the Cumberland River, as requested by Bill Herguth, Lafarge North America (Missouri Portland Cement Company), for Cone Solvents and Altivia Corporation, abutting property owners. (Easements to be abandoned. Applicant is aware that any and all relocations of existing utilities must be completed at the applicant's expense).

Project No. Mandatory Referral 2003M-012U-07
Project Name Close Portion of 61st Avenue North
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to receiving all agency approvals.*

APPLICANT REQUEST A request to close a portion of 61st Avenue North from the CSX railroad tracks north to its terminus at the Cumberland River, as requested by Bill Herguth, Lafarge North America

(Missouri Portland Cement Company), for Cone Solvents and Altivia Corporation, abutting property owners.

(Easements to be abandoned and all utilities to be relocated at owner's expense)

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners' sign application? Yes

DEPARTMENT AND AGENCY

COMMENTS All reviewing agencies must recommend approval prior to Council approval.

Resolution No. 2003-111

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-012U-07 is **APPROVED (9-0) as revised where easements to be abandoned/relocated at applicant's expense.**"

21. 2003M-032U-09

Close Alley #254 East of North 2nd Street
Subarea 9 (1997)
District 5 (Hall)

A request to close Alley #254 from the eastern margin of North 2nd Street to its terminus at Parcel 16, as requested by Ed Atkinson of R. Chris Magill Architects, Inc. for Don Hobson, Sidney Stanley, Nashville Wholesale Meat, and Thomas Thornberry, abutting property owners. (All easements are to be retained).

Project No. Mandatory Referral 2003M-032U-09
Project Name Close Alley #254 East of North 2nd Street
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to receiving all agency approvals.*

APPLICANT REQUEST A request to close Alley #254 from the eastern margin of North 2nd Street to its terminus at Parcel 16, as requested by Ed Atkinson of R. Chris Magill Architects, Inc. for Don Hobson, Sidney Stanley, Nashville Wholesale Meat, and Thomas Thornberry, abutting property owners.

(All easements to be retained)

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners' sign application? Yes

DEPARTMENT AND AGENCY

COMMENTS All reviewing agencies must recommend approval prior to Council approval.

Resolution No. 2003-112

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-032U-09 is **APPROVED (9-0) subject to receiving all agency approvals.**"

22. 2003M-033U-07
Portion of Robertson Avenue Name Change
Subarea 7 (2000)
District 22 (Hand)

A request by the Assistant Director of Metro Public Works to rename a portion of Robertson Avenue from Briley Parkway, at Urbandale Avenue, to Interstate 40 to "Briley Parkway", and to rename a portion of Robertson Avenue between Interstate 40 and Charlotte Pike to "White Bridge Pike".

Project No. Mandatory Referral 2003M-033U-07
Project Name Portion of Robertson Avenue Name Change
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request by the Assistant Director of Metro Public Works to rename a portion of Robertson Avenue from Briley Parkway, at Urbandale Avenue, to Interstate 40 to "Briley Parkway", and to rename a portion of Robertson Avenue between Interstate 40 and Charlotte Pike to "White Bridge Pike".

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-113

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-033U-07 is **APPROVED (9-0)**."

23. 2003M-034G-14
365 Willow Bough Lane Grinder Pump Installation
Map 54-15, Parcel 18
Subarea 14 (1996)
District 11 (Brown)

A request for easement acquisition for Project No. 01-SL-132 (Capital Improvement No. 01SG0001) for the installation of a Grinder Pump, as requested by the Metro Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-034G-14
Project Name 365 Willow Bough Lane Grinder Pump Installation
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request for easement acquisition for Project No. 01-SL-132 (Capital Improvement No. 01SG0001) for the installation of a Grinder Pump, as requested by the Metro Department of Water & Sewerage Services.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-114

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-034G-14 is **APPROVED (9-0).**"

24. 2003M-036U-11

Old Thompson Lane Pumping Station Demolition
Map 118-11, Parcel 162.01
Subarea 11 (1999)
District 17 (Greer)

A request by the Metro Department of Water & Sewerage Services to abandon and demolish the Old Thompson Lane Pumping Station, Project No. 02-WG-155, and to then convey this property to the Metro Public Property Administration as surplus property; however, all easement rights are to be retained.

Project No. Mandatory Referral 2003M-036U-11
Project Name Old Thompson Lane Pumping Station Easement Abandonment & Demolition
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request by the Metro Department of Water & Sewerage Services to abandon and demolish the Old Thompson Lane Pumping Station, Project No. 02-WG-155, and to then convey this property to the Metro Public Property Administration as surplus property; however, all easement rights are to be retained.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-115

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-036U-11 is **APPROVED (9-0).**"

25. 2003M-041U-11

TPS Site Lease for Metro Magnet School
Map 106, Parcel 17
Subarea 11 (1999)
District 16 (McClendon)

An Ordinance approving a lease between the State of Tennessee and the Metropolitan Government for use of portions of the facilities located on the campus of the Tennessee Preparatory School, as requested by the Metro Public Property Administration and the Metro Department of Finance.

Project No. Mandatory Referral 2003M-041U-11
Project Name Tennessee Preparatory School Site Lease for Metro Magnet School
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance approving a lease between the State of Tennessee and the Metropolitan Government for use of portions of the facilities located on the campus of the Tennessee Preparatory School, as requested by the Metro Public Property Administration and the Metro Department of Finance.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY
RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-116

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003M-041U-11 is **APPROVED (9-0).**"

This concluded the items on the consent agenda

**PUBLIC HEARING
ZONING MAP AMENDMENTS**

2. 2003Z-009T

A request to amend the text of the Zoning Code by eliminating the Institutional (I) zoning district (Sections 17.08.020C and 17.08.030) and amending the Institutional Overlay (IO) district (Sections 17.36.010, 17.36.330, 17.36.340, 17.36.350, and 17.40.140) affecting the accommodation of colleges and universities located within residential districts, requested by various councilmembers.

Mr. Fawcett stated staff recommends approval.

Project No. Zoning Text Change Proposal 2003Z-009T
Council Bill Bill to be filed 3/25/03
Associated Cases None
Staff Reviewer Fawcett

Staff Recommendation *Approve. This proposed amendment will eliminate the Institutional (I) District and more successfully carry out the intent of the Institutional Overlay (IO) District to preserve the integrity and long term viability of neighborhoods located next to colleges and universities.*

APPLICANT REQUEST Amend the zoning regulations by eliminating the Institutional (I) District and changing various provisions of the Institutional Overlay (IO) District.

ANALYSIS The Institutional (I) and Institutional Overlay (IO) districts are required to be applied concurrently over existing and future campus areas in accordance with a campus master plan. The districts are intended to accommodate the functional and growth needs of colleges and universities located wholly or partly within residentially zoned areas in a manner that preserves the integrity and long term viability of adjoining neighborhoods.

Early last year, staff confirmed through meetings with Councilmembers, members of communities adjoining universities and representatives of universities that changes in the zoning provisions were needed. Staff prepared a proposed amendment to the zoning regulations and carried it through an arduous review process culminating in presentations at two advertised community meetings followed by a work session with Councilmembers.

The most fundamental change proposed in the amendment is the elimination of the Institutional (I) District because it imposes the application of the district to properties within a master plan area that have not yet been acquired by the institution. Because of this, community acceptance of the I District is very low. Other principal changes include required phasing of expansions in a manner that protects the integrity of remaining residences in the acquisition area, improved buffer requirements at campus boundaries, and clear distinctions between minor and major campus master plan modifications. These distinctions determine the level of community review that occurs in the approval process.

PROPOSED TEXT

The following text is proposed:

That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, be and is hereby amended as follows:

By deleting Section 17.08.020(C) (Institutional (I) District) in its entirety.

By amending Section 17.08.030 (District Land Use Tables) to delete in its entirety the I zoning district.

By amending Section 17.36.010 (Overlay Districts Established – Purpose and Intent) by inserting following the phrase “a special urban design overlay;” as follows:

an institutional overlay to allow colleges and universities to grow in a sensitive and planned manner;

By amending Section 17.36.330, Purpose and Intent, by deleting the existing paragraph and inserting the paragraph as follows:

The purpose of the institutional overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the general plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

By amending Section 17.36.340 (Master Development Plan) by deleting the existing paragraph and inserting the paragraph as follows:

Application of the institutional overlay district of this title shall be limited to those land areas encompassed by a college or university master development plan as approved by the council pursuant to the procedures of Section 17.40. At a minimum, an approved master development plan shall be comprised of scaled drawings and accompanying reports which adequately describe the extent of the existing (if applicable) and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus’s impact on the adjoining neighborhood(s). The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks. In the approval of a master development plan, the council shall require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community.

By amending Section 17.36.350 (Development Standards) by deleting the existing paragraph and inserting the paragraph as follows:

In addition to other applicable provisions of this code, the following development standards shall apply to new construction associated with the implementation of a campus master development plan.

A. Street Standard. Unless otherwise precluded by the placement and operation of existing campus facilities, principal driveway access shall be from collector or arterial streets.

B. Traffic Impact Study. The traffic impact study requirements of Section 17.20.140. A traffic impact study prepared for any campus master development plan shall be subsequently updated at least every 5 years. Traffic generated by institutional-related uses built subsequent to the initial approval of a campus

master plan under this title shall not cause the level of service on any local residential street to fall below level of service C.

C. Within the boundaries of an approved campus master development plan, existing land uses and structures may continue in conformance with the base zoning district(s) until construction under an approved final site plan is undertaken in conformance with Section 17.40.140(D). Residential properties located within the boundaries of the campus master development plan owned by the institution, or an agent or subsidiary of the institution, shall continue to be used for residential purposes within the limitations of the base zoning district, unless otherwise provided for in the master development plan. Such residential properties shall be maintained in a safe, clean and orderly condition as required by all applicable codes and regulations.

D. Within the boundaries of an approved campus master development plan, applications for final site plans for institutional-related uses shall be approved only in areas: 1) contiguous to the existing campus as of the date of the application, 2) in accordance with an approved phasing plan, and 3) in a manner that does not further fragment the pattern of residentially used parcels from the residential area outside of the existing campus (See Figure 17.36.350). Each plan phase shall be supported by adequate infrastructure improvements. The introduction of an institutional-related use adjacent to an existing and improved residential lot not owned by, or contractually obligated to, the institution shall incorporate a landscape buffer yard to protect that residential lot. The introduction of parking in these locations should be avoided. For the purpose of determining an adequate buffer, a new parking facility shall be treated as an institutional-related use that is least compatible with residential use. The planning commission shall require an adequate buffer yard under the standards of Table 17.24.230 sufficient to maintain the residential integrity of the residential property not owned by, or contractually obligated to, the institution.

By amending Section 17.40.140 (Institutional Overlay District) by deleting said provisions and substituting in lieu thereof the following:

- A. **New Applications.** An application to establish an institutional overlay district shall be filed with the planning commission in form and content established by the planning commission, and include a campus master development plan as defined in Chapter 17.36, Article IX. The application shall include properties owned by the institution that are nearby the proposed institutional overlay district if existing or planned uses on those properties may have an impact on the residential area adjoining the proposed institutional overlay district.
- B. **Planning Commission Action.** The planning commission shall review an application to apply the institutional overlay district and the associated campus master development plan. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.
1. **Approval.** The planning commission's recommendation of approval of a proposed institutional overlay district and the associated campus master development plan shall be based on findings that the master plan is compatible with the surrounding neighborhood and the essential infrastructure is adequate to support the proposed pattern and intensity of development. A recommendation of approval of the master plan shall further require a finding by the planning commission that the master plan arranges campus-related land uses in a manner that preserves the integrity and long-term viability of nearby residential areas, and provides for methods of implementing the master plan in a manner that minimizes disruption and inconvenience to other landowners within the overlay district and the surrounding community in general.
 2. **Conditional Approval.** The planning commission may recommend approval of the institutional overlay district and the associated campus master development plan subject to conditions. All conditions shall be transmitted in writing to the applicant. The institutional overlay district and associated campus master development plan shall not be considered recommended for approval until the applicant concurs with all conditions in writing and provides all prescribed amendments to the master plan and/or application.
 3. **Disapproval.** If the planning commission recommends disapproval of the proposed institutional overlay district and associated campus master development plan, the reasons for that recommendation of disapproval shall be stated in writing and transmitted to the applicant.

C. Council Consideration. An institutional overlay district and associated campus master development plan shall be approved upon adoption of an ordinance by the metropolitan council, following a recommendation from the planning commission, according to the procedures of Article III of this chapter (Amendments). Testimony and evidence material to the provisions of Chapter 17.36, Article IX may be considered by the council in its deliberations.

D. Final Site Plan Approvals. A final site plan application for property lying within an institutional overlay district shall be reviewed and acted on by the planning commission according to the procedures of Section 17.40.170B. Approval shall be based on a finding that the final site plan conforms with the approved campus master development plan and all other applicable provisions of this title.

E. Changes to an Institutional Overlay District. An application to modify an approved campus master development plan and/or institutional overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection B of this section. Changes shall be considered as follows:

1. Minor modifications. The planning director shall have the authority to grant minor modifications to the approved campus master development plan that do not exceed 10% within the modification area of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning director's discretion, any minor modification may be referred to the planning commission for review and action as set forth in Section 17.40.140B.

2. Major modifications. All other modifications to the institutional overlay district and approved campus master development plan shall be considered major modifications except that it shall not be considered a major modification to rearrange proposed campus buildings unless the rearrangement results in buildings being placed more than 10% closer to the existing campus boundary or the overlay district boundary. Major modifications shall be considered by the metropolitan council in accordance with Article III of this chapter (Amendments), following review and recommendation by the planning commission as set forth in Section 17.40.140B.

Councilman John Summers arrived at 4:35 p.m., at this point in the agenda

No one was present to speak at the public hearing.

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

Councilmember Summers complimented Mr. Fawcett and staff for their work on this text amendment and stated there would still be negotiations to be worked out between the institutions and neighborhoods.

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

Resolution No. 2003-117

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-009T is **APPROVED (10-0)**:

This proposed amendment will eliminate the Institutional (I) District and more successfully carry out the intent of the Institutional Overlay (IO) District to preserve the integrity and long-term viability of neighborhoods located next to colleges and universities."

3. 2002UD-001U-10
Map 117-14, Various Parcels
Map 131-2, Various Parcels
Map 131-20B, Various Parcels
Subarea 10 (1994)
District 25 (Shulman)

A request to amend the Green Hills UDO Design Guidelines to provide an additional incentive to include residential development in mixed-use buildings by exempting floor space designed and constructed for residential use from being counted as floor area for the purpose of calculating the floor area ratio on a lot, requested by Planning Department staff.

Mr. Fawcett stated staff recommends approval.

Project No. Urban Design Overlay 2002UD-001U-10 Project Name Green Hills UDO Design Guidelines
Amendment
Council Bill N/A
Associated Cases None
Staff Reviewer Fawcett

Staff Recommendation *Approve. This proposed amendment furthers the UDO objective of encouraging residential use as a component of mixed use development.*

APPLICANT REQUEST To create an additional design guidelines incentive for including residential development in mixed use buildings by excluding from the calculation of floor area ratio any floor space designed and constructed for residential use.

Existing Zoning

SCR and OR20 zoning with a UDO Mixed use development in accordance with a design concept plan and design guidelines.

SUBAREA 10 PLAN POLICY Regional Activity Center (RAC)

Policy Conflict None. The proposed amendment of the design guidelines is consistent with the policy

RECENT REZONINGS None

Councilmember Jim Shulman thanked Mr. Fawcett for his work and spoke in favor of the proposal.

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

Resolution No. 2003-118

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002UD-001U-10 is **APPROVED (10-0)**.”

4. 2002Z-101U-06
Map 102, Part of Parcel 17
Subarea 6 (2003)
District 22 (Hand) and District 23 (Bogen)

A request to change from R40 and OR20 districts to MUL and OR20 districts property at 6950 Charlotte Pike, abutting the northern margin of Charlotte Pike, (12.4 acres), requested by William Kantz, for River Meade Partners, owner. (Deferred from meeting of March 13, 2003).

Mr. Leeman stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-101U-06
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions. The OR20 and MUL districts are consistent with the emerging zoning pattern in the area and the existing commercial and high-density multi-family zoning districts in the area*

APPLICANT REQUEST Rezone 12.4 acres from Office and Multi-Family Residential (OR20) and Residential (R40) to Office and Multi-Family Residential (OR20) (3.16 acres) and Mixed Use Limited (MUL) (9.238 acres) at 6950 Charlotte Pike.

Existing Zoning

R40 zoning R40 zoning is intended for single-family homes and duplexes on 40,000 sq. ft. lots.

OR20 zoning OR20 zoning is intended for office and multi-family residential at a maximum density of 20 dwelling units per acre.

Proposed Zoning

OR20 zoning OR20 zoning is intended for office and multi-family residential at a maximum density of 20 dwelling units per acre. The portion of the site proposed for OR20 would allow 63 multi-family units.

MUL zoning MUL zoning is intended for moderate intensity mixture of residential, retail, and office uses.

SUBAREA 6 PLAN POLICY

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Policy Conflict None. The OR20 and MUL districts are consistent with the Subarea 6 Plan's CMC policy along the frontage of the property at Charlotte Pike. This policy was adopted by the Planning Commission on February 13, 2003. Previous rezonings have created the emergence of higher intensity development in the area, including the CS zoning to the west for the Super Wal-Mart. The OR20 and MUL districts are consistent with the emerging zoning pattern in the area and the existing commercial and high-density multi-family zoning districts in the area.

RECENT REZONINGS The properties directly to the west where rezoned from R40 and AR2a to CS in 1997 to allow for the Super Wal-Mart.

TRAFFIC Charlotte Pike is classified as a U4 on the Major Street Plan, calling for four lanes with 84 feet of right-of-way and a center turn lane. Currently, this portion of Charlotte Pike has only four lanes with no center turn lane. Charlotte Pike already exceeds the minimum right-of-way requirement with 152 feet of right-of-way. Based on the typical uses in OR20 and MUL districts, which would allow approximately 512,000 square feet of commercial and office uses or 465 multi-family residential units*, approximately 2,700 to 5,600 trips per day would be created. The Metro Traffic Engineer has indicated that TDOT is planning on installing a traffic signal at Charlotte Pike and Cabot Drive, and one at the eastbound on-ramp and westbound off-ramp of I-40 and Charlotte Pike.

The number of residential units is based on an assumption of 1,000 square foot units.

Metro Traffic Engineer's Findings Approve with condition, including that the developer needs to verify adequate sight distance from any proposed access point or provide remedies to obtain adequate sight distance.

SCHOOLS

Students Generated 4 Elementary 3 Middle 3 High

Schools Over/Under Capacity If the property were developed under the proposed zoning districts, 10 students could be generated. Students would attend Brookmeade Elementary School, H.G. Hill Middle School, and Hillwood High School. The Metro School Board has not identified any of these schools as being over crowded for the current school year.

CONDITIONS If a council bill is filed, it should include the following condition(s) to be completed by the developer:

Developer needs to verify adequate sight distance from any proposed access point or provide remedies to obtain adequate sight distance.

Mr. Tom White, representing adjoining property owners stated the Commission has no choice but to approve this as a zone change because of the land use policy in this area. He also stated the neighbors are concerned about the traffic increase and that the recommendation from Public Works does not go far enough.

Mr. Bill Kantz, property owner, spoke in favor of the proposal and stated this property is surrounded on 2 sides by water and there are also topographical problems.

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

Resolution No. 2003-119

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-101U-06 is **APPROVED (10-0) with conditions:**

The proposed OR20 and MUL districts are consistent with the Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy calling for major concentrations of retail, office, and medium density residential uses. The request is also consistent with the emerging zoning pattern in the area and the existing commercial and high-density multi-family zoning districts in the area. If a council bill is filed, it should include the following condition(s) to be completed by the developer: developer needs to verify adequate sight distance from any proposed access point or provide remedies to obtain adequate sight distance."

6. 2003Z-020G-02

Map 41, Part of Parcel 2
Subarea 2 (1995)
District 10 (Balthrop)

A request to change from R20 district to R8 district property at 7585 Old Hickory Boulevard, abutting the northern margin of Old Hickory Boulevard, (38.5 acres), requested by Bruce Rainey of Bruce Rainey and Associates, applicant, for Laura K. P. True, owner. (See PUD Proposal No. 2003P-002G-02 below).

7. 2003P-002G-02

Laura True Property
Map 41, Part of Parcel 2
Subarea 2 (1995)
District 10 (Balthrop)

A request for a preliminary approval for a Planned Unit Development located at 7585 Old Hickory Boulevard, abutting the north margin of Old Hickory Boulevard, classified R20 and proposed for R8, (38.50 acres), to permit the development of 171 single-family lots, requested by Bruce Rainey and Associates, for Laura True, owner. (See Zone Change Proposal No. 2003Z-020G-02 above).

Mr. Mitchell stated staff recommends approval of the Rezoning and PUD.

Project No. Zone Change 2003Z-020G-02
Council Bill None
Associated Cases PUD Proposal No. 2003P-002G-02 (Cobblestone Creek Residential PUD)

Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 38.5 acres from Residential (R20) to Residential (R8) at 7585 Old Hickory Boulevard.

Existing Zoning

R20 zoning R20 zoning is intended for single-family homes and duplexes on 20,000 square foot lots. R20 zoning would permit 71 residential lots.

Proposed Zoning

R8 zoning R8 zoning is intended for single-family homes and duplexes on 8,000 square foot lots. R8 zoning would allow 178 residential lots. However, the associated PUD limits the total number of lots to 171 single-family lots.

SUBAREA 2 PLAN POLICY

Residential Low (RL) According to the *Land Use Policy Applications* guide, “RL policy should be applied to predominantly developed residential areas with densities of about 2 units per acre or less, where provision of services to support intensification is unfeasible or widespread neighborhood support for higher densities is unlikely during the planning period.”

Although the policy application supports low-end densities and is necessary in areas where intensification is not feasible, the Subarea 2 Plan specifically addresses this property and its development characteristics. “There is a small portion of Area 3A [within the Subarea 2 Plan] that is developed at about 2.5 dwelling units per acre, which is within the low-medium density range. This area includes the Timbertrail and Quail Ridge Subdivisions off Brick Church Pike...and the plan recognizes this area as an anomaly within a much larger area. It would be appropriate to extend their development pattern to the undeveloped, level land into which their street network extends. Such extensions should be at the low end of the low-medium density range and should not cross to the east side of Brick Church Pike.”

Policy Conflict None. The applicant is proposing a Residential Planned Unit Development in conjunction with this zone change. The applicant is proposing 171 lots through the creation of the PUD, and any requested increase in the number of lots would require an amendment before the Metro Council.

Planning Department staff, having met with the community on more than one occasion regarding this site, and having reviewed the site in conjunction with the surrounding development pattern, finds no conflict with the R8 request for the following reasons:

This site directly abuts Commercial Mixed Concentration (CMC) policy within Subarea 2, in which an Industrial PUD and a Commercial PUD exist just west of this property, and is consistent with the text of the Subarea 2 Plan, calling for residential development in the range of 4 dwelling units per acre.

The proposed medium density of 4.4 units per acre is well-suited for a site directly abutting Old Hickory Boulevard, and the PUD layout is in keeping with the existing subdivisions to the north.

Since the topography of the site is relatively flat – as stated in the Subarea 2 Plan – and the Little Creek floodplain minimally impacts the southernmost portion of the site along Old Hickory Boulevard, the provision of services is not infeasible.

The surrounding community supports the Residential PUD as proposed with 171 lots.

TRAFFIC IMPACTS

Traffic Engineer’s Findings See PUD staff report (2003P-002G-02).

SCHOOLS

Students Generated 29 Elementary 22 Middle 19 High

Schools Over/Under Capacity Students will attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. The Metro School Board has identified Alex Green Elementary and Ewing Park Middle Schools as being overcrowded; however, Whites Creek High School has not been identified at this time as being overcrowded.

Project No. Planned Unit Development 2003P-002G-02
Project Name Cobblestone Creek Residential PUD
(Laura True Property)
Council Bill None
Associated Case 2003Z-020G-02
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Request to adopt a preliminary master Residential Planned Unit Development to allow for 171 residential lots on 38.5 acres. The property is located at 7585 Old Hickory Boulevard.

PLAN DETAILS The applicant proposes a 171-lot residential PUD on 38.5 acres of a 44.5-acre site north of Old Hickory Boulevard. Since the applicant is not proposing to develop all 44.5 acres, approximately 6 acres, in the southwest corner of the site, is excluded from the proposed residential PUD as well as from the requested rezoning to R8. This 6-acre site will remain as a private homestead.

The recently adopted revisions to the Subdivision Regulations (to become effective July 1, 2003) promote the provision of interconnectivity between residential subdivisions to reduce impacts on existing arterial and collector streets. The applicant meets this objective by continuing Autumn Ridge Road from the existing subdivision to the north through the proposed subdivision and ultimately connecting with Old Hickory Boulevard. Staff expressed concerns over Autumn Ridge Road being utilized as a high-speed cut-through between Old Hickory Boulevard and Brick Church Pike. The applicant addressed this concern by redirecting the roadway within his proposed subdivision.

Pursuant to the Metro Code and the PUD regulations, a residential subdivision is required to provide a minimum of 15% open space. The applicant meets this requirement by providing 18.5% open space – of which all 18.5% is calculated within the 38.5 acres.

An existing cemetery, map 41 parcel 125, located within the subdivision area will be preserved adjacent to an open space area in the southwest corner of the subject site.

TRAFFIC ENGINEER'S

RECOMMENDED CONDITIONS Approve, with the following conditions:

On the entrance roadway from Old Hickory Boulevard, provide one 14-foot entrance lane and two 12-foot exiting lanes for 150 feet north of the right-of-way line of Old Hickory Boulevard. The exiting lanes are to be signed and striped as a mandatory right turn lane and left turn lane, respectively.

2. Provide a 12-foot eastbound right turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.

Provide a 12-foot westbound left turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.

All lanes shall be constructed with tapers in accordance with ASHTO standards.

OTHER RECOMMENDED
CONDITIONS

All lots within the PUD shall be limited to single-family development.

Sidewalks, designed and constructed in accordance with current Metro Public Works' standards, must be constructed along Old Hickory Boulevard.

A final plat must be recorded prior to the issuance of any building permits.

Final determination of floodplain lines must be made prior to approval of any final PUD plans. Upon final determination of floodplain lines, a minimum of two-thirds of the designated floodplain must be maintained in a predevelopment state.

Until grading permits have been issued for a specified phase of development, grading and site clearing must be limited to areas of infrastructure improvement. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.

Council Lady-At-Large Carolyn Baldwin Tucker stated there have been, this year, 2 meetings regarding this property. The meeting at Davidson Academy was regarding a proposal for R8 residential development and this is for R20. The existing homes are R10 and the residents don't want to go down any further. She asked the Commission to keep the zoning an R10.

Mr. Andrew Reynolds, Ms. Dee Dee Ashton, Mr. Brandon Starks, Mr. Isaac Lester and Mr. James Trotter, Mr. Albert Powell and Ms. Joan Haynes expressed concerns regarding traffic, infrastructure, no building restrictions, building materials, starter homes, overcrowding the area schools and an increase in crime.

Mr. Bruce Rainey, representing the property owner, spoke in favor of the proposal and stated he has upgraded the restrictions between the 2 immediate subdivisions. He urged the Commission to approve the proposal.

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

Councilmember Summers suggested the Commission approve this proposal and recommend negotiations between the area residents and the developer.

Vice Chairman Small stated this proposal is the most acceptable of any he has heard for this neighborhood.

Mr. Clifton stated staff is recommending R8, which is extremely reasonable, because it is closer to the industrial zoning than the other neighborhoods are.

Ms. Cummings agreed with Councilman Summers and stated she would be willing to second his motion if made.

Councilman Summers moved and Ms. Cummings seconded the motion, which carried unanimously, to approve staff recommendation, or any zoning up to RS15 to give the flexibility to work with the neighborhood. The PUD allows for only 171 lots.

Resolution No.- 2003-120

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-020G-02 is **APPROVED (10-0) approved staff recommendations to rezone to R8 with a maximum of 171 lots under a residential PUD, but also approving R10, RS10, R15, or RS15 as an alternative to the R8 if Metro Council so chooses:**

Action: Approve R8 and PUD with 171 single-family lots, but also approving R10, RS10, R15, or RS15 as an alternative to the R8 if Metro Council so chooses.

The proposed R8 district and associated PUD is consistent with the Subarea 2 Plan's Residential Low (RL) policy and text which says: "There is a small portion of Area 3A [within the Subarea 2 Plan] that is developed at about 2.5 dwelling units per acre, which is within the low-medium density range. This area includes the Timbertrail and Quail Ridge Subdivisions off Brick Church Pike...and the plan recognizes this area as an anomaly within a much larger area. It would be appropriate to extend their development pattern to the undeveloped, level land into which their street network extends. Such extensions should be at the low end of the low-medium density range and should not cross to the east side of Brick Church Pike." If a Council Bill is filed, the following conditions should be included in the bill and are to be bonded with any final plat or completed prior to final plat recordation:

1. **On the entrance roadway from Old Hickory Boulevard, provide one 14-foot entrance lane and two 12-foot exiting lanes for 150 feet north of the right-of-way line of Old Hickory Boulevard. The exiting lanes are to be signed and striped as a mandatory right turn lane and left turn lane, respectively.**
2. **Provide a 12-foot eastbound right turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.**
3. **Provide a 12-foot westbound left turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.**
4. **All lanes shall be constructed with tapers in accordance with ASHTO standards.**
5. **All lots within the PUD shall be limited to single-family development.”**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2003P-002G-02 is **APPROVED (10-0)**.

The following conditions apply:

1. All lots within the PUD shall be limited to single-family development.
2. Sidewalks, designed and constructed in accordance with current Metro Public Works’ standards, must be constructed along Old Hickory Boulevard.
3. A final plat must be recorded prior to the issuance of any building permits.
4. plans. Upon final determination of floodplain lines, a minimum of two-thirds of the designated floodplain must be maintained in a predevelopment state.
5. Until grading permits have been issued for a specified phase of development, grading and site clearing must be limited to areas of infrastructure improvement.
6. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
7. On the entrance roadway from Old Hickory Boulevard, provide one 14-foot entrance lane and two 12-foot exiting lanes for 150 feet north of the right-of-way line of Old Hickory Boulevard. The exiting lanes are to be signed and striped as a mandatory right turn lane and left turn lane, respectively.
8. Provide a 12-foot eastbound right turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.
9. Provide a 12-foot westbound left turn lane on Old Hickory Boulevard at the entrance roadway. This lane shall be 150 feet in length.
10. All lanes shall be constructed with tapers in accordance with ASHTO standards.”

Mr. Tyler and Ms. Jones left at 5:45 p.m., at this point in the agenda.

8. 2003Z-037U-11
 Map 133-1, Parcels 149 and 150
 Subarea 11 (1999)
 District 16 (McClendon)

A request to change from R8 district to RM9 district properties at 425 and 427 A McClellan Avenue, at the intersection of McClellan Avenue and Saindon Street, (0.49 acres), requested by William H. Baird, applicant, for William H. Baird and Morrison Heating and Air Conditioning Service, Inc., owners.

Mr. Hardison stated staff is recommending disapproval and that Councilmember McClendon assured the applicant she would defeat this at Council.

Project No. Zone Change 2003Z-037U-11
 Associated Case None
 Council Bill None
 Staff Reviewer Hardison

Staff Recommendation *Disapprove*

APPLICANT REQUEST Rezone 0.49 acres from Residential (R8) to Residential Multi-Family (RM9) at 425 and 427A McClellan Avenue.

Existing Zoning

R8 zoning R8 zoning is intended for single-family and duplexes on 8,000 sq. ft. lots.

Proposed Zoning

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

SUBAREA 11 PLAN POLICY

Residential Medium (RM) RM policy is intended for 4 to 9 dwelling units per acre.

Policy Conflict Yes. Although the RM9 district is within the density range of the RM policy, this area of Subarea 11 is an established area of single-family homes with a R8 zoning pattern. The density in this area is established at the lower end of the policy range. The Subarea 11 Plan specifically calls for pursuing a medium size RS zoning for this entire area. Staff recommends disapproval of RM9 zoning since this neighborhood is established with a single-family and duplex character.

RECENT REZONINGS None

TRAFFIC With RM9 zoning the applicant would be allowed to construct four multi-family dwellings, or a 13 room boarding house. The proposed 4 units would generate approximately 27 trips per day. The 13 room boarding house could generate approximately 28 to 86 trips per day. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings No exception taken

SCHOOLS

Students Generated 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity Due to the size of the lots and the requested zoning no new students would be generated by this rezoning. If students were generated by this rezoning they would attend Glencliff Elementary School, Wright Middle School, and Glencliff High School. Glencliff Elementary, Wright Middle, and Glencliff High Schools have been identified as being overcrowded by the Metro School Board.

No one was present to speak at the public hearing.

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

Resolution No. 2003-121

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-037U-11 is **DISAPPROVED (8-0)**:

Although the proposed RM9 district is within the density range of the Subarea 11 Plan's Residential Medium (RM) policy, this area of Subarea 11 is an established area of single-family homes with a R8 zoning pattern. Multi-family zoning is not consistent with the established pattern. The density in this area is established at the lower end of the policy range. The plan specifically calls for pursuing a medium size RS zoning for this entire area so as to be consistent with the established single-family and duplex character."

11. 2003Z-040U-13
Map 150, Parcel 248
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a district to RS10 district property at Country Way Road (unnumbered), at the eastern terminus of Country Way Road, (7.81 acres), requested by B. B. Doubleday, Jr., owner.

Mr. Hardison stated staff recommends approval with conditions.

Project No. Zone Change 2003Z-040U-13
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Rezone 7.81 acres from Agricultural/Residential (AR2a) to Residential Single-Family (RS10) at Country Way Road.

Existing Zoning

AR2a zoning AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family homes on 10,000 sq. ft. lots.

SUBAREA 13 PLAN POLICY

Residential Low Medium (RLM) RLM policy is intended for two to four dwelling units per acre.

Policy Conflict The RS10 district allows 3.7 units per acre, which is consistent with the RLM policy. The Subarea 13 Plan calls for this area to continue to develop with the existing densities and prevailing zoning. The prevailing density in the area is between 3.5 to 4 units per acre, the request for RS10 is in keeping with the overall zoning pattern and density.

RECENT REZONINGS None

TRAFFIC With RS10 zoning the applicant would be allowed to construct 29 single-family units. Twenty-nine units would generate approximately 278 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings The Metro Traffic Engineer has indicated that the applicant will be required to provide public street access to the property prior to any development of the property.

The applicant has indicated that he owns parcel 160 and intends to gain access to the proposed site by extending a public road through that property.

SCHOOLS

Students Generated by 6 Elementary 4 Middle 3 High

Schools Over/Under Capacity Students will attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. Mt. View Elementary School, Kennedy Middle School, and Antioch High School have been identified as being overcrowded by the Metro School Board.

CONDITIONS

Prior to any development on this property, public road access must be provided for this site.

Mr. Ben Doubleday, property owner, requested approval.

Ms. Diane Rudolph, adjoining property owner, spoke in opposition to the proposal and expressed concerns regarding traffic, dust, and congestion.

Mr. Nelson Eddy expressed concerns regarding auto light intrusion, traffic and congestion.

Mr. Mason Arie expressed concerns regarding an additional road in the area.

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

Ms. Nielson stated there should be connectivity through this subdivision.

Vice Chairman Small stated there are quiet a large number of cul-de-sacs in the city and many where people have been told they would remain, but have not. He asked Mr. Hardison if these would be permanent.

Mr. Hardison stated they are permanent cul-de-sacs.

The Commission expressed concerns of how this property ended up without any access.

Mr. Ben Doubleday stated the Corp of Engineers once owned the property and in 1987 sold it at auction. The Councilmember at that that time would not carry the bill forward to Council.

Mr. Bernhardt stated there would be a problem if lot 160 could not be used for access.

Mr. Doubleday stated he may have a problem, but the Commission didn't.

Mr. McLean moved to approve and Ms. Nielson seconded the motion, which failed with Mr. McLean, Ms. Nielson and Vice Chairman Small in favor and with Mr. Sweat, Ms. Cummings, Mr. Clifton and Councilmember Summers in opposition.

Ms. Cummings moved for approval with conditions for 2 accesses and Mr. Clifton seconded, which carried unanimously, to approve the following resolution:

Resolution No. 2003-122

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-040U-13 is **APPROVED (8-0) conditioned on two access points being provided to property; if the council bill does not include this condition the recommendation is for disapproval:**

The proposed RS10 district is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at up to 4 dwelling units per acre. The RS10 district allows 3.7 units per acre that is consistent with the RLM policy. The Subarea 13 Plan calls for this area to continue to develop with the existing densities and prevailing zoning. Since this property currently does not have access to a public street, if a council bill is filed it should include a condition that this property must have two access points. If this condition is not made part of the council bill, the Planning Commission recommends disapproval of this request."

12. 2003Z-041G-14
Map 98, Parcel 25
Subarea 14 (1996)
District 12 (Ponder)

A request to change from RS15 district to RM9 district property at 3108 Earhart Road, abutting the western margin of Earhart Road, (7.25 acres), requested by James E. and Laura I. Travis, Jr., owners.

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2003Z-041U-14
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Disapprove*

APPLICANT REQUEST Rezone 7.25 acres from Residential Single-Family (RS15) to Residential Multi-Family (RM9) at 3108 Earhart Road.

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family homes at a density of 2.47 units per acre.

Proposed Zoning

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

SUBAREA 14 PLAN POLICY

Residential Low Medium (RLM) RLM policy is intended for two to four dwelling units per acre.

Policy Conflict Yes. The RM9 zoning is inconsistent with Subarea 14 Plan's RLM policy. Since the requested RM9 allows nine units per acre, five more units per acre than what is intended in an RLM policy area. Staff recommends disapproval of the RM9 zoning. The Subarea 14 Plan states:

The rocky terrain, the widespread presence of sinkholes and the potential impact of runoff on J. Percy Priest Lake, require that careful consideration be given to the density of development in this area.

This area's accessibility to the regional road system is limited; impacts of development on the local streets should be carefully reviewed.

These statements from the subarea plan further support staff's recommendation of disapproval of this zone change.

RECENT REZONINGS None

TRAFFIC With RM9 zoning the applicant would be allowed to construct 68 multi-family units. The possible 68 units would generate approximately 432 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings No exception taken

SCHOOLS

Students Generated by 7 Elementary 5 Middle 4 High

Schools Over/Under Capacity Students will attend Dodson Elementary School, Dupont-Tyler Middle School, and McGavock High School. Dodson Elementary School, Dupont-Tyler Middle have been identified as being overcrowded, and McGavock High has not been identified as being overcrowded by the Metro School Board.

Mr. James Travis, property owner, stated this property does not allow for viable development and explained his proposal.

Ms. Cheryl Davidson, area property owner, expressed concerns regarding traffic, property depreciation, crime, and threats of mobile homes if the condo proposal does not pass.

Mr. Larry Rush, spoke in favor of the proposal and described the surrounding homes and stated brick condos would look better on this land than vinyl siding homes or mobile homes on it.

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

Mr. Clifton stated this property is unusual for a market standpoint, but RM9 is far away from the land use policy in that area.

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

Resolution No. 2003-123

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-041G-14 is **DISAPPROVED (8-0)**:

The proposed RM9 district is not consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for single-family residential development at up to 4 dwelling units per acre. The RM9 district allows multi-family residential development at up to 9 dwelling units per acre, which is inconsistent with the RLM policy.”

- 13. 2003Z-046U-10**
Map 117-10, Parcels 95-97 and 104-113
Map 117-14, Parcels 11-31
Subarea 10 (1994)
District 25 (Shulman)

A request to change from R10 district to OR20 (6.78 acres) and MUL (5.41 acres) districts properties located at 2404 and 2406 Crestmoor Road, 2411, 2413, 2415 Crestmoor Road, 3800-3805 Bedford Avenue, 3807 and 3809 Bedford Avenue, and 3811-3830 Bedford Avenue, (5.41 total acres), requested by Councilmember Jim Shulman. (See UDO Proposal No. 2003UD-002U-10 below).

- 14. 2003UD-002U-10**
Map 117-10, Parcels 95-97 and 104-113
Map 117-14, Parcels 11-31
Subarea 10 (1994)
District 25 (Shulman)

A request to apply the Urban Design Overlay (UDO) district to properties located at 2404 and 2406 Crestmoor Road, 2411, 2413, 2415 Crestmoor Road, 3800-3805 Bedford Avenue, 3807 and 3809 Bedford Avenue, and 3811-3830 Bedford Avenue, (12.19 total acres), to permit the development of a mixture of residential, office, and retail uses, requested by Councilmember Jim Shulman. (See Zone Change Proposal No. 2003Z-046U-10 above).

Mr. Jones stated staff recommends approval with conditions.

Project No. Zone Change 2003Z-046U-10
Council Bill Will be filed 03/25/03
Associated Cases 2003UD-002U-10
Staff Reviewer Fawcett

Staff Recommendation *Approve*. The OR20 and MUL zoning proposed will implement the proposed UDO design concept plan and guidelines and these districts are consistent with existing policy.

APPLICANT REQUEST Change zoning from Residential (R10) to Office and Multi-Family Residential (OR20) (10.81 acres) and Mixed Use Limited (MUL) (1.38 acres) properties along Bedford Avenue and a short segment of Crestmoor Road.

Existing Zoning

R10 zoning R10 zoning is intended for single-family and duplexes on minimum 10,000 sq. ft. lots. Current zoning permits a theoretical maximum of 53 lots and 106 dwellings if every lot has a duplex.

Proposed Zoning

OR20 zoning OR20 permits multifamily dwellings at 20 units per acre or office space at .80 floor area ratio. Dwelling units at 20 units per acre on 10.81 acres of OR20 zoning would yield up to 216 dwelling units. Office space at a floor area ratio of .80 would yield 376,706 square feet of office space.

MUL zoning MUL permits a mixture of commercial, office and residential uses at a floor area ratio of 1.0. At this ratio, 60, 112 square feet of floor space could be developed for retail, restaurant and other commercial, or office or residential or some combination of any of these uses. Commercial uses have floor space limitations per establishment for retail uses.

SUBAREA 10 PLAN POLICY The west side of Bedford Avenue and the north side of Crestmoor Road are in an unmapped office transition policy which at the time of application was used at the edges of low to medium density residential policy areas when they are next to intensive commercial policy areas. The east side of Bedford Avenue and the south side of Crestmoor Road are in the Regional Activity Center (RAC) policy which is designed for a wide mixture of commercial, office, entertainment, residential and other compatible uses at a regional scale.

Policy Conflict None. The OR20 and MUL zonings are consistent with policy.

RECENT REZONINGS None

TRAFFIC

Traffic Study Submitted No, but there will be one required in conjunction with the associated UDO proposal prior to approval of any final development plans.

Traffic Engineer's

Recommendation Pending

SCHOOLS

Students Generated 9 Elementary 6 Middle 12 High

Schools Over/Under Capacity Students will attend Julia Green Elementary School, J.T. Moore Middle School, and Hillsboro High School. Julia Green Elementary, J.T. Moore Middle, and Hillsboro High Schools have been identified as being overcrowded by the Metro School Board

These student generation estimates assume that all property zoned OR20 would be developed as residential (220 apartments). The concept design plan for the associated UDO anticipates 150 or less dwelling units at an average price of \$250,000, most of which would be attractive to affluent young professionals or empty nesters.

Project No. Urban Design Overlay 2003UD-002U-10

Project Name Bedford Avenue UDO and Guidelines

Council Bill (to be filed 3/25/03)

Associated Cases Zone Change 2003Z-046U-10

Staff Reviewer Fawcett

Staff Recommendation *Approve. This proposal is the outcome of a charrette process involving property owners, abutting and nearby residents, members of the development community and the district councilmember working with a Planning Department design team in consultation with a real estate economics expert and various Metro departments. The UDO is intended to enable the redevelopment of properties along Bedford Avenue and a short segment of Crestmoor Road with a mixture of uses and building types in a manner that minimizes any impact on the abutting residential neighborhoods.*

APPLICANT REQUEST Apply an Urban Design Overlay (UDO) district to various properties along Bedford Avenue and a short segment of Crestmoor Road (12.19) acres.

SUBAREA 10 PLAN POLICY

Regional Activity Center (RAC) RAC policy is intended for a mixed uses at a regional scale

Residential Low-Medium (RLM) RLM policy is intended for residential uses at 2 to 4 dwelling units per acre.

Policy Conflict None. The Subarea 10 Plan intends that regional scale activities be confined to the east side of Bedford and the south side of Crestmoor with the west side of Bedford and the north side of Crestmoor being limited to transitional office use. At the time this plan was prepared, office transition was an unmapped policy typically applied at the edge of lower intensity residential policy areas. The proposed UDO design concept plan and guidelines confine the west side of Bedford and the north side of Crestmoor to residential and office use and a building height limited to two stories. The east side of Bedford and south

side of Crestmoor include residential, office and mixed use with limited retail at a maximum building height of three stories. These and other design standards ensure consistency with existing policy.

RECENT REZONINGS None

TRAFFIC

Traffic Study Submitted None. The regulating plan of the proposed UDO calls for a traffic impact study to be conducted and the approved findings incorporated into any final development plans.

Traffic Engineer's
Recommendation Pending

Councilman Jim Shulman thanked staff for their hard work and stated everyone worked very hard together. He recognized Mr. Birley and stated he has been working on this for 30 years.

Mr. Mark Smith stated Mr. Fawcett and Councilman Shulman should both get an award, and that the Planning staff has changed his mind about city government.

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

Resolution No. 2003-124

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-046U-10 is **APPROVED (8-0)**:

The proposed OR20 and MUL districts will implement the Subarea 10 Plan's Regional Activity Center (RAC) and the unmapped Office Transition (OT) policies designed for a wide mixture of commercial, office, entertainment, and residential uses that provide a transition between the RAC area and the surrounding residential neighborhood. The associated UDO concept plan and guidelines are consistent with existing policy, as well."

"**BE IT FURTHER RESOLVED** by the Metropolitan Planning Commission that 2003UD-002U-10 is **APPROVED(8-0)**."

Ms. Cummings left at 7:00 p.m., at this point in the agenda.

FINAL PLATS

16. 98S-129U-10
Baldwin Arbor, First Revision
Map 131-1-K, Parcels 1-9
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to eliminate the sidewalk requirement on nine lots abutting the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive, (2.81 acres), classified within the RS10 district, requested by Hobbs, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Mr. Leeman stated staff recommends disapproval of the sidewalk variance.

Project No. Subdivision 98S-129U-10
Project Name Baldwin Arbor, First Revision
Associated Cases None
Deferral This item was deferred by the applicant at the September 12, 2002 Planning Commission meeting.
Staff Reviewer Leeman

Staff Recommendation *Disapprove. There is no property hardship that is not self-created that would warrant a sidewalk variance or that would prevent the sidewalk from being installed.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

This request is for a variance to the sidewalk provisions (Section 2-6.1) of the Subdivision Regulations to eliminate an unbuilt, 600-foot long sidewalk along the east side of Baldwin Arbor Road.

The Planning Commission approved the preliminary and final plats in 1998, including a 4-foot wide sidewalk and a 2-foot wide grass strip between the sidewalk and the curb—meeting the requirements of the Subdivision Regulations at that time.

ZONING

RS10 zoning RS10 district allows single-family residential requiring minimum lot size of 10,000 square feet.

SUBDIVISION VARIANCES

Sidewalks (Section 2-6.1) The applicant has requested a variance to the sidewalk regulations to avoid having to remove several mature trees, or to cause grading that would kill the trees.

Staff recommends a variance to eliminate the required 2-foot grass strip, allowing the sidewalk to be moved farther from the existing trees. This will require relocation of the existing irrigation facilities.

Metro Public Works Findings

Existing Conditions The sidewalk variance request is to exempt the sidewalk along the east side of Baldwin Arbor Road. Construction of this street including curb, gutter and drainage is complete. There is a gentle slope away from the roadway.

Sidewalk Construction Pursuant to Chapter 13.20 of the Metro Code, the Department of Public Works regulates all work done in the right of way. Current construction standards are applicable. A detailed site survey and drainage study may reveal other items than those listed herein.

This street was built on a 40-foot wide right of way. Therefore it may not be possible to include the current standard four-foot grass strip without additional easement or right of way. A minimum two-foot grass strip would be required.

Five existing driveway ramps will require removal and reconstruction to be ADA compliant if sidewalks are added to this street. Four gas lights will require relocation, and possibly five trees will have to be removed.

Staff Recommendation Staff recommends disapproval of the variance request for the following reasons:

There is not an extraordinary hardship that is not self-created. The existing mailboxes, gas lights, monument sign, irrigation valves, driveways, and landscaping were installed after the final plat was approved showing a sidewalk.

Grading for the street, lots and general site preparation has taken place around the trees that may have already damaged the root system.

The road has already been constructed within the drip-line of the trees, possibly impacting the trees even without the sidewalk. It is standard practice to avoid development within the drip-line of a tree if intending to preserve the tree.

This sidewalk, approved in 1998, will connect to an existing sidewalk on Hobbs Road, a major pedestrian link to the Green Hills commercial area.

If this request is approved, the revised plat shall include the following prior to recordation:

Signatures of all property owners within the subdivision.

Note number 14 must be changed to reference Instrument # 20000128-0009264.

Councilmember Lynne Williams stated she is representing the 9 residents that have asked that a sidewalk not be put in on their street. This is a cul-de-sac, their lawns are established and this road connects to Hobbs Road where there are sidewalks. She asked the Commission to grant the variance and waive the sidewalk requirements.

Mr. Pete Nebhut, developer, stated the sidewalk was on the plan, but he thought it would never have to be built. If the sidewalk is built it will take out trees and take up a large portion of their front yards. He asked the Commission to please grant the variance.

Mr. Edward LeMaster, Ms. Dallas Wilt and Mr. Wayne Hilton, residents, spoke in favor of the variance.

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

Councilman Summers asked what is the legal issue is here if we grant a variance where there is reason for it.

Mr. Fox stated there must be some reason for granting the variance and named several reasons they could be granted.

Councilman Summers stated his concern is that the Commission will set a precedent to get around the Subdivision Regulations.

Mr. McLean stated there are 9 families there that don't want sidewalks and the government is saying they are going to have sidewalks, and that seems to violate their freedom. They don't want them and that he would have to respect that.

Mr. Clifton stated that if there is some way they could word it for the residents he would be willing to do that, but we have had the Subdivision Regulations in effect for several years and they need to be abided by.

Vice Chairman Small stated there is no reason for a legal variance to this sidewalk.

Ms. Nielson asked if the sidewalks would be built up to the wall and then on the other side of it.

Mr. Leeman stated the wall would have to be removed to install the sidewalk.

Vice Chairman Small moved and Councilman Summers seconded the motion to disapprove.

Councilmember Williams stated that Mr. Nebhut had met with the Urban Forester and that he had given him the opinion that the elimination of the trees would be a hardship.

Councilman Summers asked if that was legally binding.

Mr. Fox stated it is possible and to have that in writing would give us something to rely on.

Vice Chairman Small interrupted and reminded the Commission that the developer stated in his presentation that he didn't put in the sidewalks in because he didn't think the Commission would make him do it.

Mr. Sweat asked Vice Chairman Small and Councilman Summers to withdraw their motions and asked staff to contact the Urban Forester.

Vice Chairman Small and Councilman Summers withdrew their motions.

Mr. Sweat moved and Mr. Clifton seconded the motion to defer, which carried unanimously.

Councilman Summers stated he also wanted to know when the Urban Forester was contacted, because if it was after the fact, the sidewalks should be installed.

MANDATORY REFERRALS

20. 2003M-031G-06

Close Portion of Old Harding Pike at Highway 100
Subarea 6 (1996)
District 35 (Tygard)

A request to close a triangular portion of Old Harding Pike where Old Harding Pike merges with Highway 100, from Map 155 Parcel 204 east to Collins Road, as part of the Bellevue Walgreens Planned Unit Development road reconstruction, as requested by Richard Jones of World Realty, for John P. Chaffin and Christopher W. and Hyun H. Chung, abutting property owners. (All easements to be retained)

Mr. Mitchell stated staff recommends approval with conditions.

Project No. Mandatory Referral 2003M-031G-06
Project Name Close Portion of Old Harding Pike at Highway 100
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to receiving all agency approvals.*

APPLICANT REQUEST A request to close a triangular portion of Old Harding Pike where Old Harding Pike merges with Highway 100, from Map 155 Parcel 204 east to Collins Road, as part of the Bellevue Walgreens Planned Unit Development road reconstruction, as requested by Richard Jones of World Realty, for John P. Chaffin and Christopher W. & Hyun H. Chung, abutting property owners.

(All easements to be retained)

APPLICATION REQUIREMENTS

Application properly completed
and signed? Yes

Abutting property owners' sign
application? Yes

DEPARTMENT AND AGENCY

COMMENTS This request is in conjunction with the Bellevue Walgreens Planned Unit Development and its associated roadway improvements – which includes the redirection of Old Harding Pike to meet Highway 100 at a 90-degree angle. This request for right-of-way closure is the surplus right-of-way from the relocation of Old Harding Pike.

All reviewing agencies must recommend approval prior to Council approval.

Mr. James Smith, Public Works Department, explained why they want to close the road and retain the right-of-way.

Councilman Summers asked if that was legal.

Mr. Fox stated that the Metro Government could close the road and retain the right-of-way.

Vice Chairman Small moved and Mr. Clifton seconded the motion, which carried unanimously, to approve staff recommendation.

Resolution No. 2003-125

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-031G-06 is **APPROVED (8-0).**"

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 7:50 p.m.

Chairman

Secretary

Minute approval this 10th day of April 2003

