

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: May 10, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Tonya Jones
William Manier
Ann Nielson
Vicki Oglesby
Councilmember Phil Ponder
Douglas Small, Vice Chairman

Absent:

Mayor Bill Purcell

Staff Present

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

Others Present:

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

Chairman Lawson called the meeting to order.

Chairman Lawson welcomed Stewart Clifton as a new member of the Planning Commission.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

Item 6. - Zone Changes 2001Z-050G-06, the change request should be for SCR to MUL.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Ms. Oglesby seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of April 26, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated item 2001Z-044G-06, property at 8291 Collins Road, was being deferred and asked the Commission, as he had requested before, that Subarea 6 be moved up in the review schedule to look at this quadrant and other property around the Natchez Trace and on Highway 70.

Councilmember Lineweaver also spoke in favor of item 94-83-G06, Belle Valley Residential PUD.

Chairman Lawson asked staff to present a response to Councilmember Lineweaver in regards to moving the Subarea 6 Plan review date up in the schedule.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2. 2001Z-044G-06 Deferred indefinitely, by applicant.
- 12. 2001S-139U-11 Deferred indefinitely, by applicant.
- 28. 2001M-045U-08 Deferred indefinitely, by applicant.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS AND PUD AMENDMENTS

- 3. 2001Z-046G-06**
Map 114, Parcel 292
Subarea 6 (1996)
District 23 (Bogen)

A request to change from RM4 to CL district property at 601 Old Hickory Boulevard, opposite Tolbert Road (0.59 acres), requested by Barry Zeitlin, Trustee, owner. (See also PUD Proposal No. 94-83-G-06 below).

Staff recommends approval.

Resolution No. 2001-205

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-046G-06 is **APPROVED (9-0)**:

The CL (commercial limited) district is consistent with the Subarea 6 Plan's Retail Concentration Super Community (RCS) land use policy that surrounds the Interstate-40/Old Hickory Boulevard intersection. RCS allows for large retail and consumer service stores, restaurants, and entertainment, which are permitted in the CL district."

4. **94-83-G-06**
Belle Valley Residential PUD
Map 114, Parcel 292
Subarea 6 (1996)
District 23 (Bogen)

A request to amend the Residential Planned Unit Development District located abutting the west margin of Old Hickory Boulevard, opposite Tolbert Road by canceling an undeveloped lot, classified RM4 and proposed for CL District, (0.59 acres), from the Planned Unit Development approved and developed with 350 multi-family units, requested by Barry Zeitlin, owner.

Staff recommends conditional approval.

This request is to rezone 0.59 acres of land from RM4 (multi-family residential) to CL (commercial limited) district at 601 Old Hickory Boulevard, opposite Tolbert Road. There is also a request to amend and cancel an undeveloped portion (parcel 292) of the existing residential PUD district. The existing RM4 district is intended for multi-family uses at up to 4 dwelling units per acre. The proposed CL district is intended for a limited range of retail, consumer services, financial, restaurant, and office uses, including sit-down and fast food restaurants, and grocery stores.

The PUD plan was approved in 1984 for 350 apartment units, a clubhouse, and tennis courts. The portion of the PUD requested for cancellation is located east of the existing tennis courts on the north side of the entrance drive to the Belle Valley apartment complex. This parcel was created in 1982, before the PUD plan was approved. It was mistakenly included within the PUD district on the Council approved plan. Nothing has ever been proposed on this vacant parcel. Canceling this portion of the PUD will not impact the remaining portion of the PUD in terms of access, open space, or design. Should parcel 292 be rezoned, a 20 foot landscape buffer yard will be required between the remaining PUD and parcel 292.

Staff recommends approval since the commercial uses permitted in the CL district are consistent with the Subarea 6 Plan's Retail Concentration Super Community (RCS) land use policy that surrounds the Interstate-40/Old Hickory Boulevard intersection. Typically, RCS areas include large retail and consumer service stores, restaurants, and entertainment. In RCS areas that are located at highway interchanges, large-scale retail concentrations are intended to draw people from a wider market. This interchange includes the Sam's Club on parcel 318.

The Traffic Engineer indicates that Old Hickory Boulevard can adequately accommodate the traffic generated by CL zoning on this property. Any new driveway to Old Hickory Boulevard should line up with Tolbert Drive across the street and internal driveway connections to the property to the north should also be considered with any site plan.

Resolution No. 2001-206

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-83-G-06 is given **APPROVAL TO AMEND AND CANCEL A PORTION OF THE RESIDENTIAL PUD (9-0)**: The following condition applies:

1. Approval of the PUD cancellation for a portion and approval of the associated Zone Change (2001Z-046G-06) by the Metropolitan Council.”

5. 2001Z-047U-11
Map 106, Parcel 133
Subarea 11 (1999)
District 16 (McClendon)

A request to change from CS to OR40 district property located at 331 Plus Park Boulevard, opposite Pavilion Boulevard (4.18 acres), requested by Rusty Lawrence of Urban Housing Solutions, for Al-Barakat Corporation, owner.

Staff recommends approval.

No Subarea Plan Amendment required.

No traffic impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 4 acres from CS (commercial services) to OR40 (office and residential) district property at 331 Plus Park Boulevard, opposite Pavilion Boulevard. The existing CS district is intended for a wide range of commercial service uses including low intensity manufacturing and storage facilities. The proposed OR40 district is intended for office and residential multi-family uses up to 40 dwelling units per acre.

Staff recommends approval since OR40 is consistent with the Subarea 11 Plan’s Commercial Mixed Concentration (CMC) land use policy in this area. Land uses found in this policy include Medium-High (9 to 20 dwelling units per acre) to High (over 20 dwelling units per acre) density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices and research uses. The applicant, Rusty Lawrence of Urban Housing Solutions, has indicated an intent to convert the existing hotels into apartment units. There are currently three (3) buildings on-site that will be converted into 136 one-bedroom apartment units. The proposed density of 32.5 dwelling units per acre is consistent with the RM40 district.

A multi-family development at OR40 density will generate approximately 25 students (11 elementary, 8 middle, and 6 high school). There is insufficient capacity at Glengarry Elementary and Wright Middle Schools, while Glencliff High School is near capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

The Traffic Engineer indicates that Plus Park Boulevard, Pavilion Boulevard, and Murfreesboro Pike can accommodate traffic generated by OR40 zoning.

Resolution No. 2001-207

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-047U-11 is **APPROVED (9-0)**:

The OR40 (office and residential) district is consistent with the Subarea 11 Plan’s Commercial Mixed Concentration (CMC) land use policy in this area. CMC policy areas allow Medium High (9 to 20 dwelling units per acre) to High (over 20 dwelling units per acre) density residential, all types of retail trade and research uses."

PRELIMINARY PLAT SUBDIVISIONS

8. 2000S-026G-14
Cole's Retreat
Map 87, Part of Parcel 161
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary approval for five lots abutting the east terminus of Wonderland Pass, approximately 100 feet east of Tulip Grove Road (2.1 acres), classified within the RS15 District, requested by Arnold A. Cole, owner/developer, Michael Moran, surveyor. (Deferred from meetings of 03/15/01 and 03/29/01).

Staff recommends approval subject to a revised plat submitted prior to the Planning Commission meeting.

This request is for preliminary plat approval for five (5) lots on 2 acres of land at the end of Wonderland Pass. The proposed density is 2.5 dwelling units per acre which is consistent with the RS15 zoning district. Each lot contains a minimum of 15,000 square feet as required by the RS15 zoning district. This plat extends Wonderland Pass approximately 167 feet to the east as well as the existing sewer line within the right-of-way. Previously, staff had recommended disapproval of this plat because Wonderland Pass was not shown as a stub-out street to the remaining portion of parcel 161. Staff has met with the applicant and verified with Public Works that this street extension would be difficult given the property's topography. These lots are proposed on one side of a hill. The road approved in the Rockcrest subdivision to the north can be extended in the future through parcel 161. The likelihood of any stub-out street extending further to the east is remote since parcels 55, 165 and 1 are intended to be placed in a land trust. By placing those properties within a land trust, there will be no future development opportunities on them.

Staff recommends approval of this plat provided the applicant revises the plat to show the required sidewalk (5 feet) and landscape strip (4 feet) along the Wonderland Pass extension, including the proposed cul-de-sac. In addition, Public Works needs to approve the drainage plans, prior to the Planning Commission meeting.

Resolution No. 2001-208

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-026G-14, is **APPROVED (9-0)."**

9. 2000S-167U-04
Walton Oaks (Revision)
Map 51, Parcels 147-150
Map 51-15, Parcel 25
Subarea 4 (1998)
District 4 (Majors)

A request for preliminary approval for 27 lots abutting the south margin of Walton Lane, opposite Oakland Acres Drive (8.41 acres), classified within the R10 District, requested by William Dorris, owner/developer, Burns and Associates, surveyor.

Staff recommends approval subject to a revised plat being submitted prior to the Planning Commission meeting.

This request is for preliminary plat approval for 27 lots on 8.41 acres of land at the intersection of Saunders Avenue and Walton Lane. The Planning Commission previously approved a plat for 25 lots on this same property on May 25, 2000 (2000S-167U-04). The applicant is now proposing a cluster lot subdivision at a density of 3.2 dwelling units per acre which is slightly less than the 3.7 dwelling units per acre permitted by the RS10 district.

Under the cluster lot provisions, the Zoning Ordinance permits a developer to drop the minimum lot size from 10,000 square feet to 7,500 square feet (RS7.5 district) when a landscape buffer yard B is provided. All perimeter lots are 90% of the required 10,000 square foot minimum lot size required by the cluster lot provisions of the Zoning Ordinance. The interior lots are smaller in size, however, no buffer yard is provided since these lots abut Briley Parkway or an existing multi-family development zoned RM20 district. No buffer yard is required when a cluster lot subdivision abuts a RM district or where the buffer yard's effect is negated by topographic conditions. Placing a buffer yard along the rear property line is negated by the effect of Briley Parkway, an elevated limited-access highway at the rear property line. A large open space area, however, has been provided to the development's rear along Briley Parkway due to an existing creek. This creek will be preserved in permanent open space as shown on the plat.

The applicant is proposing a 650-foot long dead-end street. No variance is required since the street does not exceed the 750-foot maximum length of a dead-end street. A street connection to the south is not feasible due to Briley Parkway nor is one to the east due to an existing multi-family development.

Staff recommends approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting. That plat will identify standard tabular data, sidewalks along both sides of all proposed streets, a sidewalk along the property's frontage on Saunders Avenue and Walton Lane, shared drives between lots 8 and 9 on Saunders Avenue, shared drives between lots 6 and 7 on Walton Lane, and access for lots 4 and 5 from the proposed street entering into the development in lieu of access on Walton Lane.

Resolution No. 2001-209

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-167U-04, is **APPROVED (9-0).**”

FINAL PLAT SUBDIVISIONS

- 15. 2001S-118U-09**
Woods Subdivision of Blood Estates
Map 93-7, Parcel 15
Subarea 9 (1997)
District 6 (Beehan)

A request for final plat approval to combine 12 lots into one lot, abutting the east margin of South Third Street, north of Crutcher Street (3.43 acres), classified within the IG District, requested by Phillip Metals, Inc, owner/developer, Ragan-Smith Associates, Inc., surveyor.

Staff recommends approval.

This request is for final plat approval to consolidate 12 lots into one lot containing 3.43 acres of land. The lots are located north of Crutcher Street, and abut South Third Street and I-65. These lots are part of the former Steiner-Liff recycling facility now owned by Phillips Metals. The applicant filed this plat in conformance with the Planning Commission's recommendation on the closure of Alley #269 (2001M-008U-09) since that alley's closure would have created some landlocked properties. This plat also is a

housekeeping matter to remove other lots landlocked by the closure of some former streets on the property years ago.

There is an existing structure on the property that was built over an existing public utility easement. The property owners has signed the requisite encroachment documents safeguarding Metro Government's interest should the need arise to repair the existing water and sewer mains under the building. Staff recommends approval of this final plat as it complies with the Subdivision Regulations.

Resolution No. 2001-210

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-118U-09, is **APPROVED (9-0).**”

16. 2001S-123U-03
Whitmon Subdivision
Map 69-7, Parcel 30
Subarea 3 (1998)
District 2 (Black)

A request to record a reserve parcel into one lot abutting the south margin of Clintondale Drive, approximately 603 feet northeast of Ashland City Highway (.60 acres), classified within the RS15 District, requested by Michael A. and Katherine T. Whitmon, owners/developers, Land Surveying, Inc., surveyor.

Staff recommends approval.

This request is to record a reserve parcel into one lot abutting the south margin of Clintondale Drive, northeast of Ashland City Highway. Parcel 30 and parcel 20 located across the street were reserve parcels when this subdivision was originally platted in the 1960's. Parcel 30 contains 26,136 square feet which exceeds the RS15 district's minimum lot size of 15,000 square feet. Staff recommends approval of this final plat as it complies with the Subdivision Regulations.

Resolution No. 2001-211

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-123U-03, is **APPROVED (9-0).**”

17. 2001S-124U-10
Noel Subdivision, Resubdivision of Lot 186
Map 117-7, Parcel 99
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide one lot into two lots abutting the southeast corner of Stokes Lane and Benham Avenue (1.38 acres), classified R20, requested by Connie Sullivan, owner, and John Kohl & Company, P.C., surveyor.

Staff recommends approval subject to a revised plat being submitted prior to the Planning Commission meeting.

This request is for final plat approval to subdivide one lot into two lots abutting the southeast corner of Stokes Lane and Benham Avenue in Green Hills. The property contains 1.38 acres of land with each lot containing .49 acres and .88 acres, respectively. The proposed density of 1.4 dwelling units per acre is slightly less than the 1.85 dwelling units per acre permitted by the R20 district. There is an existing home on parcel 99 that will become lot 1.

The Subdivision Regulations require that the lots resulting from a resubdivision of land be comparable in lot frontage and area to lots within 300 feet of the proposed subdivision boundary. The lots used for comparison were those located on the same and opposite side of Benham Avenue and Stokes Lane. A small portion of Hopkins Street was also included since parcel 99 is a corner lot. The comparability study revealed that each lot must have a minimum lot frontage of 107 feet and a minimum lot area of 17,424 square feet.

Staff recommends approval of this plat since both lots comply with the comparability minimum standards. Lot 1 has 107 feet and 21,351 square feet and lot 2 has 221 feet of frontage on Benham Street and 208 feet of frontage on Stokes Lane and a lot area of 38,565 square feet.

Resolution No. 2001-212

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-124U-10, is **APPROVED (9-0).**”

18. 2001S-128U-03

Adali Street Subdivision
Map 59-16, Parcels 91-98, 102, 103, 104 and 199
Map 70-4, Parcels 69 and 70
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to consolidate 18 lots and a portion of one lot into 15 lots abutting the southeast margin of Francis Street and both margins of Adali Street (2.12 acres), classified within the RS7.5 District, requested by MBHA, LLC, owner/developer, Crawford Land Surveyors, surveyor.

Staff recommends approval.

This request is for final plat approval to consolidate 18 lots and a portion of one lot into 15 lots abutting the southeast margin of Francis Street and both margins of Adali Street. While the proposed density of 7 dwelling units per acre is higher than that permitted by the RS7.5 district (5.8 dwelling units per acre), this plat lessens the degree of non-conformity. Staff recommends approval of this final plat as it complies with the Subdivision Regulations.

Resolution No. 2001-213

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-128U-03, is **APPROVED (9-0).**”

19. 2001S-130G-14

Brandywine Farms Addition, Lot 1
Map 54-14, Parcel 107
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to record one parcel as one lot abutting the southwest corner of Rising Sun Terrace and Willow Bough Lane (1.02 acres), classified within the RS30 District, requested by Charles M. and Judy M. Wooden, owners/developers, L. Steven Bridges, Jr., surveyor.

Staff recommends approval subject to a bond for the extension of a sewer line and a revised plat being submitted prior to the Planning Commission meeting.

This request is for final plat approval to record one parcel as one lot abutting the southwest corner of Rising Sun Terrace and Willow Bough Lane. The property contains 1.02 acres which is larger than the

R30 district's minimum lot size of 30,000 square feet. The proposed lot is similar in size to others within the Brandywine PUD.

Staff recommends approval of this plat subject to a bond for the extension of a sewer line and a revised plat. The revised plat needs to show the appropriate drainage easements prior to the Commission meeting.

Resolution No. 2001-214

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-130G-14, is **APPROVED (9-0).**”

20. 2001S-132U-08
5th and Taylor Condominiums
Map 82-9, Parcels 153-157
Subarea 8 (1995)
District 20 (Haddock)

A request for final plat approval to subdivide part of one lot into one lot abutting the southeast margin of Taylor Street and the northeast margin of 5th Avenue North (.38 acres), classified within the MUN Urban Zoning Overlay District, requested by Hunter McDonald, owner/developer, Hart, Freeland, Roberts, Inc., surveyor.

Staff recommends approval.

This request is for final plat approval to consolidate part of one lot and two existing lots into one lot at the northeast corner of 5th Avenue North and Taylor Street in Germantown. The property contains .38 acres and is zoned MUN district and lies within the Phillips-Jackson Redevelopment District as well as the Urban Zoning Overlay District. This plat is configuring this lot in order to construct some new townhomes in Germantown that front 5th Avenue North and Taylor Streets with parking at the rear. Staff recommends approval of this final plat as it complies with the Subdivision Regulations.

Resolution No. 2001-215

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-132U-08, is **APPROVED (9-0).**”

22. 2001S-136G-14
Baypointe, Phase 2
Map 98, Parcels 16, 132 and 133
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 17 lots abutting the east margin of South New Hope Road, approximately 75 feet south of Baypointe Drive (8.47 acres), classified within the RS15 District, requested by Baypointe L.L.C., owner/developer, SEC, Inc., surveyor.

Staff recommends approval subject to a bond for extension of roads and utilities.

This request is for final plat approval to create 17 lots abutting the east margin of South New Hope Road, approximately 75 feet south of Baypointe Drive. The proposed density of 2 dwelling units per acre is less than the 2.5 dwelling units per acre permitted by the RS15 district. Staff recommends approval of this final plat subject to a bond for the extension of roads and utilities.

Resolution No. 2001-216

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-136G-14, is **APPROVED (9-0).**”

23. 2001S-207G-06

The Market Place, Resubdivision of Lots 2-4
Map 102, Parcels 80-87
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to reconfigure three lots abutting the north margin of Charlotte Pike approximately 500 feet east of River Road (17.64 acres), classified within the CS District, requested by JDN Development Corporation, owner/developer, Geosurvey, Ltd., surveyor.

Staff recommends approval subject to a variance for required lot street frontage.

This request is for final plat approval to reconfigure three lots abutting the north margin of Charlotte Pike approximately 500 feet east of River Road (17.64 acres), classified within the CS District. Metro Legal has requested this reconfiguration to limit Metro Government’s liability associated with a driveway shared by all shoppers to this center. In lieu of this property being transferred in fee by JDN Development to Metro Government, the final plat shall be revised to give Metro an access/egress easement. By creating this easement, the park property will not have any direct street frontage on a public street, as required by the Subdivision Regulations. Therefore, a variance is required for street frontage. Staff recommends approval of this final plat and the variance. The easement will minimize Metro Government’s liability associated with actually owning the driveway property. The easement will also ensure Metro Government has control over public access to the park. All owners of the easement must consent to release the easement in order to eliminate it.

Resolution No. 2001-217

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-207G-06, is **APPROVED (9-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

24. 16-86-P-14

Hermitage Market Place
Map 75, Part of Parcel 178
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary plan and for final approval for a portion of the Commercial (General) Planned Unit Development District located abutting the west margin of Old Hickory Boulevard, opposite Juarez Drive, classified SCR, (3.10 acres) to create an additional outparcel for an undeveloped 5,280 square foot retail building already approved on a preliminary and final PUD plan, requested by Robert Alley & Associates for Nashville Wireg,LLC., owner. (Also requesting final plat approval to subdivide one lot into two lots).

Staff recommends conditional approval of the PUD and approval of the final plat.

This request is to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial (General) PUD district to create an additional outparcel (lot 8C) for an undeveloped, 5,280 square foot retail building. The retail building will be located between the Garden Center store and the existing Staples store, 150 feet south of the Home Depot. There is a cross-access agreement in place since these lots are under common ownership at this time. This 21,350 square foot outparcel includes 29 parking spaces, while only 26 are required by the Zoning Ordinance. Creating this outparcel will allow the current owner, Nashville Wireg, LLC, to sell this lot. Staff recommends conditional approval of the PUD and approval of the final plat provided Water Services, Public Works, and the Fire Marshal approve the plans prior to the Planning Commission meeting.

Resolution No. 2001-218

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P-14 is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL; FINAL PLAT APPROVAL (9-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits the recording of a revised final subdivision plat.
3. Prior to the issuance of any final PUD approval written confirmation of final approval from the Metropolitan Fire Marshal.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. 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.
8. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Subdivision No. 16-86-P-14, is **APPROVED (9-0)**.”

MANDATORY REFERRALS

26. 2001M-040U-10
Closure of Alley #913
Map 104
Subarea 10 (1994)

District 18 (Hausser)

A request to close Alley #913 from Vanderbilt Place to its terminus at Alley #912, requested by Marty Pat Teague of Vanderbilt University, abutting property owner.

This request is to close Alley #913 from Vanderbilt Place to its terminus at Alley #912. The alley is located just west of 28th Avenue South. Easements are to be retained for an 8" and 36" sewer line located within the alley. Vanderbilt University is requesting this alley's closure as it had previously last year as part of 2000M-015U-10. The Planning Commission approved the alley's closure, however, when council bill BL2000-278 was drafted and ultimately approved by Metro Council, it incorrectly referred to the alley beginning at 28th Avenue South instead of Vanderbilt Place. This mandatory referral is a housekeeping matter and is being processed by staff at no charge to Vanderbilt University. Staff recommends approval of this alley's closure since all reviewing departments and agencies are recommending approval.

Resolution No. 2001-219

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001M-040U-10 is **APPROVED (9-0)**."

29. 2001M-046U-08
Closure of Alley #624
Map 92-7, Parcel 369
Subarea 8 (1995)
District 21 (Whitmore)

A request to close Alley #624 between Lyle Avenue and Jo Johnston Avenue for J. M. Head Middle School, requested by the Public Property Administrator. (Easements are to be retained).

Staff recommends approval.

This request is to close unbuilt Alley #624 located between Lyle Avenue and Jo Johnston Avenue. The Public Property Administrator is requesting this alley's closure for J. M. Head Middle School's future school expansion. Easements are to be retained. There is an existing school building constructed over a portion of this alley. Metro Government owns all the land surrounding this alley.

Staff recommends approval of this alley's closure since all reviewing departments and agencies are recommending approval. No landlocked properties will be created by the alley's closure.

Resolution No. 2001-220

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001M-046U-08 is **APPROVED (9-0)**."

OTHER BUSINESS

31. Employee contract for Matthew R. Meservy

Resolution No. 2001-221

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Matthew R. Meservy for one year, from May 21, 2001 through May 20, 2001."

32. Contracts for three summer interns

Resolution No. 2001-222

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employment contracts for three summer interns from May 10, 2001 through August 31, 2001."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS AND PUD AMENDMENTS

- 1. 2001Z-007U-13**
Map 163, Parcel 96.01 (9.73 acres)
Subarea 13 (1996)
District 28 (Alexander)

A request to change from AR2a to RM20 district property located at 1382 Rural Hill Road, approximately 1,300 feet east of Mt. View Road, requested by George Gianikas, appellant, for Barbara King McCall, owner. (Deferred indefinitely from meeting of 01/18/01).

Mr. Leeman stated staff recommends disapproval.

A traffic impact study was required to analyze the project impacts on nearby intersections and neighborhoods, but one was not submitted.

This item was deferred indefinitely at the January 18, 2001 meeting in order for the applicant to complete a Traffic Impact Study (TIS). While a TIS has not been prepared, the applicant has requested the Commission's consideration. This request is to change 9.7 acres from AR2a (agricultural) to RM20 (multi-family) district property at 1382 Rural Hill Road. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 dwelling unit per 2 acres of land. The proposed RM20 district is intended for multi-family uses at up to 20 dwelling units per acre. The existing AR2a district would allow 4 lots, while the RM20 district would allow 195 multi-family units.

Although RM20 zoning is consistent with the Subarea 13 Plan, staff recommends disapproval since a TIS was not submitted. The RM20 zoning falls within the range of dwelling units contemplated by the Residential Medium High (9 to 20 dwelling units per acre) and Office Concentration policies (offices and higher-density residential uses). A TIS is needed, however, to analyze the impact multi-family development will have on Rural Hill Road and Mt. View Road, two substandard collector streets. Since this property lies on a curved portion of Rural Hill Road, a TIS would assess site distance, site access, and required improvements necessary to accommodate RM20 zoning.

A multi-family development at RM20 density will generate approximately 29 students (13 elementary, 9 middle, and 7 high school). There is insufficient capacity at Antioch High School. Presently, Antioch High School is an impacted school. The school's capacity is for 2,000 students and current enrollment is 2,015 students, exceeding capacity by .01%. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Ms. Susan Bell, representing the property owners, asked the property be pointed out to clarify the location because the property shown on the slide was not the property being requested for the zone change.

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

Resolution No. 2001-223

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-007U-13 is **DISAPPROVED (9-0)**:

The proposed RM20 district on 9.73 acres would allow 195 multi-family units to access Rural Hill Road and Mt. View Road, two substandard collector roads. Since this property lies on a curved portion of Rural Hill Road, a traffic impact study (TIS) should be completed before this property is rezoned to analyze the traffic impacts of multi-family zoning, including site distance problems, site access, and any required improvements to Rural Hill Road and Mt. View Road. A TIS has not been submitted."

- 6. 2001Z-050G-06**
Map 128, Part of Parcel 148 (11.95 acres)
Subarea 6 (1996)
District 23 (Bogen)

A request to change from SCR to MUL district a portion of property at 7640 Highway 70 South, abutting the south margin of Interstate 40 (11.95 acres), requested by Barge, Waggoner, Sumner and Cannon, for Baptist Properties, Inc., owner. (See Also PUD Proposal 94-71-G-06 below).

- 7. 94-71-G-06**
Bellevue Mall (Oasis Church)
Map 128, Part of Parcel 148
Subarea 6 1996)
District 23 (Bogen)

A request to amend an undeveloped portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Memphis Bristol Highway, south of I-40, classified SCR and proposed for MUL District, (11.95 acres), to permit a 161,100 square foot, 5,000 seat church, a shared parking plan with Baptist Healthcare Affiliates, Inc, and a deferred parking plan on the church site, replacing an approved 200,000 square foot office building, requested by Barge, Waggoner, Sumner and Cannon for Oasis Church, optionee and Baptist Properties, owner.

Mr. Leeman stated staff recommends disapproval.

There is no Subarea Plan Amendment required nor a traffic impact study required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 12 acres from SCR (shopping center regional) to MUL (mixed use limited) district a portion of property located at 7640 Highway 70 South in Bellevue. There is also a request to amend a portion of the Commercial PUD (see 94-71-G-06) for the Bellevue Mall from an office building to a church. The existing SCR district is intended for high intensity retail, office, and consumer service uses for a regional market area. The MUL district is intended for a moderate intensity mixture of residential, retail, and office uses. The applicant is requesting MUL zoning since it permits religious institutions and the SCR does not permit them.

Staff recommends disapproval of this request since the PUD amendment is inconsistent with the Subarea 6 Plan's Regional Activity Center (RAC) policy. That policy calls for all types of retail trade uses, smaller scale retail activities, offices, public uses, and higher density residential uses. The current SCR base zoning, and the PUD's approved office use embody the intent of the RAC policy, whereas the MUL

district and church do not. Since this is the only RAC policy area in Bellevue, and one of four in the entire county, it is important not to compromise the policy's integrity. Churches can locate in all other zoning districts, except industrial. Although this location has not yet developed with the approved office use, limited space exists for large-scale mixed-use developments containing office, restaurant, retail, and residential exist in Bellevue. By disapproving the rezoning and PUD amendment, an opportunity is provided for more economic growth and a better job to housing balance in Davidson County.

Also this request is to amend a portion of the Commercial (General) PUD district that includes the Bellevue Mall to permit a 161,100 square foot, 55-foot tall, 5,000 seat church for The Oasis Church, replacing an undeveloped 200,000 square foot office building. The proposed church also includes offices, classrooms, a multi-purpose gymnasium, flex-space, and a 1,000 seat chapel.

Phase I: 45,930 square feet: Chapel with 1,000 seats (after Phase III this space will convert to flex space for classrooms, meeting area and church offices).

Phase II: 56,130 square feet: Youth ministry offices, classrooms, and flex space.

Phase III: 58,940 square feet: 5,000 seat church

This plan includes a deferred and a shared parking plan. While the Zoning Ordinance requires 1,250 parking spaces (1 for every 4 seats in the sanctuary), this plan provides 693 on-site spaces, 288 shared spaces, and 269 deferred spaces. The Parking Demand Study submitted for the church indicates it will have different peak hours than the medical office building to the south (Baptist Healthcare Affiliates, Inc.). Therefore, the church is proposing a shared parking plan with the office building for 288 spaces. In total the church will provide 77% of the required parking spaces either on-site or through shared spaces. The remaining spaces will be deferred until such time as the property owner or the Zoning Administrator determine the spaces are needed. Land must be reserved within the development on which to construct these as "deferred" spaces as surface parking spaces. Deck or garage parking is not permitted under a deferred parking plan due to their likelihood of not being constructed due to their expense (\$15,000/space). The applicant has indicated that they are also working with the Bellevue Mall owner to use excess mall spaces.

Staff recommends disapproval of this request since the proposed church is inconsistent with the Subarea 6 Plan's Regional Activity Center (RAC) policy. Maintaining the SCR zoning will allow this part of the mall to develop in a way where people in Bellevue can live, work, and shop in one place without commuting to Green Hills, Brentwood, or downtown Nashville. The proposed church is inconsistent with the intent of this Commercial PUD district, as originally approved by the Planning Commission and Metro Council.

A traffic impact study was submitted by the applicant. The study analyzed the anticipated daily trips the church would generate versus the approved office building. The study found the church would reduce by 79% the anticipated average number of trips (7,960 for office vs. 1,600 for church). Given the proposed location near I-40 and along a major arterial, Highway 70, the church is not anticipated to have a significant impact during the week or on weekends due to the timing of church activities.

Chairman Lawson asked if this property had previously been zoned for commercial.

Mr. Leeman stated the property did not have a base zoning on it, but that there was a Commercial PUD on the property.

Mr. Tom White, representing the Oasis Church, stated that the prior use was for commercial on the property. This is not a neighborhood church and needed to be in a location such as this. Since the mall was built there has not been enough demand for retail or office use on its property. The mall management is in favor of this proposal, and he asked the Commission to consider approval of the PUD amendment and the zone change.

Mr. Jim Murphy, attorney with Bolt, Connors, Cummings and Berry, representing Bellevue Mall, spoke in favor of the proposal and stated this proposal would be a benefit to the mall because it would draw shoppers to the area.

Mr. Barry Booker, member of Oasis Church, spoke in favor of the proposal and stated the church has grown 118% over the last 7 months and is holding 3 separate services.

Mr. Dan Cook, representing the group using the soccer field located on this property, spoke in opposition to the proposal and stated there were other properties in the community that would be more suitable for the church. Bellevue is a soccer community and the fields need to be retained.

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

Councilmember Ponder stated he did not see how the soccer played a part in of this situation.

Ms. Jones stated she did not feel this property could be used for anything other than a church or perhaps a hospital or a medical office building.

Ms. Jones moved to approve and Councilmember Ponder seconded the motion.

Mr. Small stated he did not feel this was a good place for the church and this is a sort term fix to a long term problem. The Subarea 6 Plan does need to be looked. There are deed restrictions involved.

Ms. Nielson expressed concerns that as the church grew they may want to add a school and that would increase the traffic.

Mr. Manier and Mr. Cochran agreed there was not enough pedestrian traffic around that mall to support other businesses.

Ms. Oglesby asked about the parking and traffic because there would be several meetings per week and stated this would not be a negative for the community.

Mr. Clifton stated he sponsored the bill that was approved to prevent churches in shopping areas and it may have been wrong then as now and that staff had no choice but to recommend disapproval of this item.

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

Resolution No. 2001-224

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-050G-06 is **APPROVED (9-0)**:

The proposed MUL district and the proposed religious institution within the existing Commercial PUD are appropriate given the Subarea 6 Plan's Regional Activity Center Policy (RAC) that allows for a wide variety of uses, including all types of retail trade uses, smaller scale retail activities, offices, public uses, and higher density residential uses. With a vacant and underutilized site, the MUL district and the church are appropriate to help stimulate this portion of the Bellevue Mall."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 94-71-G-06 is given **CONDITIONAL APPROVAL (9-0)**: The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Approval of the PUD cancellation for a portion and approval of the associated Zone Change (2001Z-050G-06) by the Metropolitan Council.
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.

PRELIMINARY PLAT SUBDIVISIONS

10. 2001S-072G-02
 North 40 Estates
 Map 41, Parcels 61 and 63
 Subarea 2 (1995)
 District 3 (Nollner)

A request for preliminary approval for 72 lots abutting the south margin of Old Hickory Boulevard and the west terminus of Goodmorning Drive (38.7 acres), classified within the RS20 District, requested by G. W. Jones, owner/developer, MEC, Inc., surveyor. (Deferred from meetings of 03/29/01, 04/12/01 and 04/26/01).

Ms. Regen stated staff recommends disapproval.

The applicant deferred this plat from the March 29, April 12, and April 26, 2001 meetings to revise the plat addressing staff's concerns. This request is for preliminary approval for 71 lots within a cluster lot subdivision on approximately 39 acres at a density of 1.82 dwelling units per acre. The property is zoned RS20 district and abuts the south margin of Old Hickory Boulevard and the terminus of Good Morning Drive. The proposed plat conforms with the zoning and Subarea 2 Plan. The zoning permits 1.85 dwelling units per acre and the subarea plan's Residential Low policy calls for less than 2 dwelling units per acre.

Staff recommends disapproval of this plat. While the applicant has provided the requested street connection to the southern property line, the applicant does not intend to construct it. Instead, the applicant proposes a temporary cul-de-sac street and the dedication of 50 feet of right-of-way to Metro. By requiring this developer to construct the stub-out street to his property line, Metro ensures better street connectivity in the future. If the applicant dedicates the right-of-way, but does not construct the street, Metro would have to construct it in the future.

Councilmember Nollner stated concerns from this neighborhood were about opening up another road as a cut through. At this time this will create a dead end driveway for drug dealers or whatever. It is premature to put the asphalt back there now so just save the right-of-way but don't put any asphalt down.

Mr. Tom White, attorney representing the property owner, stated he had attended neighborhood meetings and could not get a consensus in favor of the road connection. He asked the Commission to consider approval with the right-of-way dedication and no pavement.

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

Mr. Manier asked what happened to the connection to the west that was discussed at a previous meeting.

Mr. White stated the topography was a significant challenge to the west.

Mr. Manier stated connectivity is a long-term problem this Commission must face from time to time.

Councilmember Ponder asked why there were not lots to the west that extended to the property line.

Mr. Joe McConnell, engineer stated if any connection were made it would wipe out many of the big trees. To the west, the road would be extremely steep for lots and that the sewer ran the opposite direction.

Ms. Nielson stated that if the right-of-way is not established at this point it may create problems in the future.

Mr. Small asked that if the road were need in the future could the developer be held responsible for the construction.

Fox stated he would have to check in to that.

Chairman Lawson stated he did not think the road was necessary.

Councilmember Ponder moved and Mr. Cochran seconded the motion to approve the proposal with the right-of-way dedication, but not to construct the street.

Ms. Jones stated the connection should have been on Lyric Lane when it was constructed.

Councilmember Ponder moved and Mr. Cochran seconded the motion, which carried with Ms. Nielson and Ms. Oglesby in opposition, to approve the following resolution:

Resolution No 2001-225

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-072G-02, is **APPROVED (7-2).**”

11. 2001S-116G-04
Mardalee Subdivision
Map 43-10, Parcels 16, 17, 18, 28 and 29
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary approval for 12 lots abutting the north margin of North Dupont Avenue, between Nix Drive and Scale Drive (2.48 acres), classified within the RS7.5 District, requested by Oliver Dale and James Humphrey, Jr., owners/developers, Jesse Walker Engineering, surveyor.

Ms. Regen staff recommends approval subject to a revised plat being submitted prior to the Planning Commission meeting.

This request is for preliminary plat approval for 12 lots on 2.48 acres of land at the intersection of North DuPont Avenue and Nix and Scalf Drives. The Planning Commission previously disapproved a plat for subdividing parcel 29 into three lots in July 1999 (99S-265G). The applicant has revised the previously disapproved plat and added a four other parcels. This new plat proposes a density of 4.83 dwelling units

per acre, a density slightly less than the 4.9 dwelling units per acre permitted by the RS7.5 district. An existing duplex shall remain on lot 9 and an existing home straddling lots 11 and 12 shall be relocated either on a newly created lot within this subdivision or sold for relocation elsewhere.

The Subdivision Regulations require that in-fill development such as this one have comparable lot frontage and area to lots within 300 feet of the proposed subdivision boundary, these lots being located on the same and opposite side of the street. When staff initially did a comparability study, all lots on Nix Drive passed, but lots 2, 3, and 4 on Scalf Drive failed for lot frontage and area. These lots were required to have a minimum lot size of 12,387 square feet and lot frontage of 90 feet. These three lots range in size between 7,500 to 8,000 square feet and have a lot frontage from 41 feet to 62 feet. The four lots fronting North DuPont Avenue were not analyzed since there are no comparable lots nearby.

The lots on Scalf Drive failed due to duplexes located nearby on larger lots. The comparability standards in the Subdivision Regulations assume all lots contain similar housing types. When staff redid the comparability analysis using all single-family lots (excluding duplexes, triplexes, and quadplexes) located between May, Nix, Scalf and McArthur Drives, the proposed lots on Scalf Drive passed for lot area, but two lots failed for lot frontage (lots 2 and 4). Using the Subdivision Regulations comparability factors, the proposed lots on Scalf Drive are required to have 75% of the required average lot size of 9,044 (or 6,783 square feet) and 90% of the average lot frontage of 63 feet (or 56 feet). Lot 2 has 54 feet of frontage and lot 4 and 41 feet of frontage.

Staff recommends approval of this proposed plat subject to a revised plat being submitted prior to the Planning Commission. This plat needs to show 56 feet of frontage for lots 2 and 4. Public Works must also approve the plat's drainage prior to the Planning Commission meeting.

Staff has received a petition in opposition and Councilmember Dillard called and said he has received calls in opposition and asked that the Commission take into consideration codes violations. Given the amount of concerns and the past use of the property he would like for this subdivision to comply with the subdivision regulations and not get variances.

Mr. Jesse Walker stated he received a copy of the petition and was surprised. The complaints were about the previous property owner and his codes violations. This was discussed with Councilmember Dillard and he was in favor of this until he heard concerns from the neighborhood. To cut the amount of lots would kill the project. This project would provide affordable housing, and would clean up the neighborhood. He requested deferral to have a chance to work with staff.

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

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

13. 2001S-140G-04
Margaret Heights Subdivision
Map 63, Parcels 101, 188 and 192
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary approval for four lots abutting the south margin of Hudson Road, approximately 1,124 feet east of Neelys Bend Road (33.5 acres), classified within the RS40 District, requested by Margaret Dillard, owner/developer, Dale and Associates, Inc., surveyor.

Ms. Regen stated staff recommends approval subject to a variance for lot size.

This request is for preliminary plat approval to create four lots along the south margin of Hudson Road, east of Pennington Bend Road. All four lots comply with the Subdivision Regulations, except lot 4. This lot contains 30 acres and is significantly larger in size and depth than the other three lots. Based on Section 2-4.2 of the Subdivision Regulations, the lot should not exceed 2.75 acres in size. Therefore, a variance is required for maximum lot size. While lot 4 also exceeds the lot length to width ratio, a variance is not required since the lot contains more than 2 acres of land.

Staff recommends approval of this plat with a variance to maximum lot size for lot 4. The applicant provided a future plan of subdivision for this larger lot. That plan shows a 50 foot right-of-way with 20 lots and a stub-out street to the north. This plat does not approve those additional lots or the stub-out street. It merely shows that any resubdivision of lot 4 will not be hindered by the lot configuration in this plat. Staff recommends approval of this plat as it complies with the Subdivision Regulations.

No one was present to speak at the public hearing.

Mr. Small stated he had asked this to be pulled of because he did not understand why staff had not done comparability on these lots.

Ms. Regen stated staff did comparability when there were smaller lots involved.

Mr. Small questioned the fact there was no plan for the future.

Chairman Lawson stated this would insure the large parcel would not be land locked in the future.

Nelson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-226

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-140G-04, is **APPROVED WITH A VARIANCE FOR LOT SIZE (9-0).**”

14. 2001S-141U-05
Coats Commercial Subdivision
Map 60-4, Parcel 18
Subarea 5 (1994)
District 4 (Majors)

A request for preliminary approval for seven lots abutting the west margin of Dickerson Pike, opposite Maplewood Lane (14.1 acres), classified within the CS District, requested by Bill Coats, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Sewell stated staff recommends approval subject to a revise plat being submitted prior to the Planning Commission meeting.

This request is for preliminary plat approval for seven (7) lots located on approximately 14 acres abutting the west margin of Dickerson Pike, opposite Maplewood Lane in the CS District.

The applicant proposes a commercial subdivision that minimizes access from the seven lots to two access points. The plat shows five-foot wide sidewalks along both sides of Coats Drive and along the property’s frontage along Dickerson Pike. The required 20-foot wide landscape buffer yard “C” is provided at the rear property line due to this property’s CS zoning abutting a residential district (RS10).

Access to lots 1 thru 5 is proposed from Coats Drive with no access from Dickerson Pike. Lots 6 and 7 will share a 36-foot wide access drive to Dickerson Pike. The applicant will also provide signal heads and

loop detectors for the traffic signal at the Coats Drive/Maplewood Lane/Dickerson Pike intersection. A light currently operates at the intersection, but includes signal heads for only Maplewood Lane and Dickerson Pike.

Southridge Drive, a street lined with single-family residential land uses, currently stubs at the western boundary of the site. The plat does not include an extension of this street to Dickerson Pike. Staff supports the applicant's request not to extend the street to preserve an existing drainage area at the rear of the property. This drainage area will be buffered as required by the Stormwater Ordinance.

Staff recommends approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting. The revised plat needs to show the building envelopes for lots 1 and 2 to ensure no development occurs at the rear of these lots, adjacent to the residential area and impacting the drainage buffer.

Ms. Lee Trivlett expressed concerns about the creek overflowing when it rains.

Chairman Lawson stated this was a preliminary plat and that would be addressed at the final stage of review.

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

Resolution No. 2001-227

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-141U-05, is **APPROVED (9-0).**”

FINAL PLAT SUBDIVISIONS

- 21. 2001S-133U-08**
Buena Vista Park
Map 81-3, Parcels 251 and 276-280
Subarea 8 (1995)
District 20 (Haddox)

A request for final plat approval to consolidate 11 lots and two parcels into one lot abutting the northwest corner of Cass Street and 9th Avenue North (15.64 acres), classified within the R6 Urban Zoning Overlay District, requested by Metropolitan-Nashville Public Schools, owner/developer, Volunteer Surveying, surveyor.

Mr. Sewell stated staff recommends approval with conditions and subject to a bond for the extension of roads and utilities.

This request is for final plat approval to consolidate 11 lots and two parcels into one lot on approximately 16 acres abutting the northwest corner of Cass Street, Ninth Avenue. The property is located within the R6 district. The subdivision is for the new John Early Elementary School. There are no sidewalks proposed along the school boundary's street frontage which requires a variance to Section 2-6.1.A of the Subdivision Regulations.

Currently, no sidewalks line Ninth Avenue, Owen Street or Cass Street on the same side of the street the school abuts. The Subdivision Regulations require sidewalks on both sides of a street when the property is located within 1.5 miles of a school or within a one-half mile of other community facility activities. The

proposed school site falls under these provisions and does not currently provide any sidewalks on abutting streets. In addition, there is another school adjacent to this property as well as the Lobby Center and youth ballfields behind the Center. Safe access to these facilities by children and neighborhood residents needs to be provided by a sidewalk system.

Staff recommends approval of this final plat subject to sidewalks being provided along the abutting streets to ensure the safety of children and neighborhood connectivity.

Mr. Eric McNeeley, representing the Metropolitan School Board, asked for the sidewalk variance so they could be placed in a different location, and he presented a revised plat.

Chairman Lawson stated that since the applicant was presenting a new plat this should be deferred.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which carried unanimously, to close the public hearing and defer this matter two weeks.

25. 2001M-030U-11
Closure of Alley #1836
Map 118-12, Parcels 1, 2, 3 and 5
Map 118-08, Parcels 172, 173 and 174
Subarea 11 (1999)
District 16 (McClendon)

A request to close unbuilt Alley #1836 from the terminus of Cruzen Street to the alley's terminus at parcel 172 on tax map 118-12, requested by Glenn Rogers, abutting property owner. (Easements are to be retained).

Ms. Regen stated Staff recommends approval.

This request is to close unbuilt Alley #1836 located east of Eugenia Avenue. The alley shall be closed from the terminus of Cruzen Street to the alley's terminus at parcel 172 on tax map 118-12. Easements are to be retained. An abutting property owner is requesting this alley's closure. Staff verified that all abutting property owners signed the mandatory referral application.

Staff recommends approval of this alley's closure since all reviewing departments and agencies are recommending approval. No landlocked properties will be created by the alley's closure. Parcel 1 shall continue to have access from Cruzen Street, a public street that dead-ends into this parcel.

No one was present to speak at the public hearing.

Mr. Small asked what the purpose was of closing the alley.

Ms. Regen stated the applicant did not give a reason for the closure.

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

Resolution No. 2001-228

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001M-030U-11 is **APPROVED (9-0).**"

27. 2001M-041U-10
Renaming of 22nd Avenue South to "Golf Club Place"

Map 117
Subarea 10 (1994)
District 25 (Shulman)

A request to rename "22nd Avenue South" located between Sharondale Drive and Golf Club Lane to "Golf Club Place" for E-911 system efficiency and response time, requested by abutting property owners.

Ms. Regen stated staff recommends approval.

This request is to rename 22nd Avenue South located between Sharondale Drive and Golf Club Lane to "Golf Club Place" for E-911 system efficiency and response time. A mandatory referral application was submitted bearing the signatures of abutting property owners. These owners requested the name change to avoid confusion between this section of 22nd Avenue South and a portion that exists near Vanderbilt University. This street was bisected from the other portion when I-440 was constructed.

On April 30, 2001, notices were mailed to 76 property owners along 22nd Avenue South, 23rd Avenue South, and a few property owners along Golf Club Lane. These notices identified the section of street to be renamed and the steps involved in Metro's review process. Staff has received a several phone calls in favor of the renaming, one phone call in opposition, and one e-mail in support. One person in favor of the renaming expressed concern about duplicate street addresses between Golf Club Lane and the future Golf Club Place (similar to the "Hydes Ferry Road/Pike" situation). Staff contacted the Public Works Department street addressing section and was informed the existing "Lane" and future "Place" do not contain any street number duplication.

Staff recommends approval of this street renaming as it will reduce any potential confusion of emergency personnel between these two disconnected "22nd Avenue South" streets. At the meeting, staff will update the commission on the status of those in favor and opposed. All reviewing departments and agencies recommended approval of this street renaming.

Staff has received one phone call in opposition to the proposal.

Ms. Susan Warner and Mr. Ed Fulcher spoke in favor of the proposal.

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

Ms. Nielson expressed concerns regarding the name being changed to Golf Club Place and being in the same vicinity as Golf Club Lane.

Mr. Small agreed and stated that if the name is going to be changed it should be distinctive.

Chairman Lawson stated this would give the emergency vehicles a clue as to the vicinity of the street.

Ms. Oglesby stated there were no duplicate addressed on the two streets.

Mr. Small moved and Ms. Nielson seconded the motion to disapprove.

Mr. Clifton suggested the Commission approve this with a recommendation and that the street be given a different name.

Ms. Nielson rescinded her motion.

Mr. Small moved to disapprove.

Chairman Lawson stated the motion failed for the lack of second.

Mr. Clifton moved and Ms. Nielson seconded the motion to rename the street with the recommendation that it be changed to something other than "Golf Club Place".

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

Resolution No. 2001-229

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001M-041U-10 is **APPROVED (9-0) renaming of street with recommendation that it be changed to something other than "Golf Club Place."**

OTHER BUSINESS

30. Subarea 12 Plan Amendment Request

Residential Low-Medium Density to Mixed Use Policy (approximately 14 acres) and Residential Medium Density Policy with Designation of Special Urban Design Treatment Area (approximately 88 acres) located on the east margin of Nolensville Pike, across from Bradford Hills Drive.

Mr. Fawcett stated this is back on the MPC agenda because of a technicality in the MPC rules of procedure. Subsequent to the MPC's approval of this amendment at the April 12th Commission meeting by a vote of 4 to 2, staff discovered that the MPC rules require approval of general plan amendments by a 6 member majority. Staff recommends that the MPC re-adopt this amendment.

Chairman Lawson explained the 6 positive votes rule and asked the Commission if they would like a presentation.

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

Resolution No. 2001-170

WHEREAS, the Metropolitan Planning Commission adopted the *Subarea 12 Plan: 1996 Update* on May 5, 1997; and

WHEREAS, Chapter 3 Section 3.42 C on page 47 of this plan contains a Residential Low-Medium Density land use policy for Area 3F; and

WHEREAS, the zoning regulations require that for an area to be eligible for application of "Urban Design Overlay" zoning, the Metropolitan Planning Commission must first designate the area as one where special regulation of design is warranted and establish design goals and objectives for the area in the affected subarea plan; and

WHEREAS, a public hearing was held on March 1 and continued to April 12, 2001 to consider the merits of a) designating a certain area on the east side of Nolensville Pike opposite Bradford Hills Drive as a special urban design treatment area; b) establishing design goals and objectives for this special urban design treatment area; and, c) changing the land use policy category for a portion of Residential Low-Medium Density Area 3F to Mixed Use and Residential Medium Density policies as described on Attachment A; and

WHEREAS, the Metropolitan Planning Commission finds that these changes are warranted;

NOW THEREFORE BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 3 to the *Subarea 12 Plan: 1996 Update* as set forth in “Attachment A” to this resolution and incorporates the amendment into the *Subarea 12 Plan: 1996 Update*.”

“Attachment A” to Resolution 2001-170”

AMENDMENT NO. 3 TO THE SUBAREA 12 PLAN: 1996 UPDATE

The *Subarea 12 Plan: 1996 Update* is amended as follows:

- a) by inserting the following into page 59 of Section 3.42 immediately before Section 3.43:

F. Special Urban Design Treatment Area. There is a certain area within the subarea that warrants extraordinary planning guidelines in order to ensure that new development carries out desired design objectives. The Urban Design Overlay District provisions of the zoning regulations are intended to assist in implementing such extraordinary planning guidelines. In order to apply the Urban Design Overlay District provisions, the eligibility of areas for such regulation of design must first be established in the subarea plan by designating the areas where special urban design treatment is intended and by providing general design goals and objectives for each area.

The purpose of this section is 1) to present the area within Subarea 12 that is designated as a special urban design treatment area and 2) the general goals and objectives that have been established for the area. This area has been designated as a special urban design treatment area because there is a desire to achieve a specific design objective for new development in the area. This design objective cannot be achieved through the standard zoning regulations. The application of appropriate regulatory measures to this area is strongly recommended.

1) SPECIAL URBAN DESIGN TREATMENT AREA

a) Designation of Area. The area designated as a special urban design treatment area is shown on Figure 3-3, “Lenox Village Special Urban Design Treatment Area.” It is located on the east side of Nolensville Pike opposite Bradford Hills Drive. Under this amendment to the subarea plan, the area designated for specialized design standards is expandable to include property that is contiguous or across a public way so long as the expanded area maintains a fully interconnected and compatible pattern of development.

b) General Design Goals and Objectives. The General Design Goals and Objectives for the Lenox Village Special Urban Design Treatment Area are intended to accommodate a diverse mixture of land uses and housing options, while also insuring a high standard of urban and architectural design. More specifically, these design goals and objectives are intended to:

- Insure the compatible integration of retail, office and institutional uses with residential uses;
- Insure the compatible integration of a variety of housing types, including single-family homes, townhouses and multi-family, in order to accommodate the housing needs of a diverse population;
- Maintain a scale and form of development that emphasizes sensitivity to the pedestrian environment, as well as to other non-vehicular modes of transportation;
- Minimize the intrusion of automobiles into the setting through strategies such as “shared parking,” in which adjacent land uses having different peak-hour parking demands can share parking facilities;
- Minimize the need for vehicles to travel on Nolensville Pike, or to travel significant distances on Nolensville Pike, by providing neighborhood commercial uses within close proximity to residents;

- Achieve “traffic calming” benefits through: an integrated street network providing options for traffic flow, the avoidance of excessively wide streets, and the provision of on-street parking.
- Provide for a variety of strategically-located and carefully-designed public and/or common spaces, including streets, greens and informal open space;
- Insure the compatibility of buildings with respect to the specific character of their immediate context within the Urban Design Overlay District boundary
- Encourage active ground floor uses, such as restaurants, shops and services, to animate the street within the Village Center portion of the area.

b) by inserting a new Figure 3-3 as illustrated on Exhibit A of this attachment on page 59 after the new section 3.42 F created in item (1) above, and referencing Figure 3-3 as page 59a;

c) by changing the Land Use Policy Plan graphic identified as Figures 3-1 (color graphic) and 3-2 (black and white version) to reflect the change in land use policies, so as to correctly illustrate Amendment No. 3 (see attached Exhibit B).

d) by changing the next to last sentence of the paragraph entitled “Residential Medium Density (RM) Policy” on page 47 to read as follows:

RM policy applies to nine areas identified as 4A-4F on the Land Use Policy Plan.

e) by inserting the following text into page 48 immediately before the paragraph entitled “Residential Medium-High Density (RMH) Policy”:

Area 4F: This RM policy area is the residential portion of the Lenox Village neighborhood, which also contains a mixed-use Village Center along the frontage of Nolensville Pike. This RM area is located on the east side of Nolensville Pike opposite the Bradford Hills subdivision. It is bordered by MU area 14A and RLM area 3F to the west and by RLM area 3F on the north, east, and south. RM policy is applied to this area to support a diverse, compact mixture of housing types. Design goals and objectives have been established to guide the development of Lenox Village (see Section 3.42 F on page 59 of this document), which should be implemented through Urban Design Overlay zoning.

f) by inserting the following text into page 57 immediately before the paragraph entitled “Special Use Area (SUA) Overlay Policy”:

Mixed-Use (MU) Policy. The general intent and standard policies for the MU category are as follows:

- MU is a policy category designed to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Land uses found in this category include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential uses will most likely be medium, medium-high, or high density. Other types of uses may be appropriate if they can be successfully integrated with other uses.
- The different land uses and sections of MU policy areas are functionally and physically integrated. In appropriate areas, horizontal and vertical integration can range from the turn of the century apartment above the butcher’s shop to modern multi-storied office and hotel towers connected by a retail concourse at street level. Pedestrian connections, both at street level and above, and focal points such as landscaped open space and parks, artwork, water features, and street level plazas are not merely amenities but a fundamental and necessary unifying component. This integration and pedestrian orientation is a major distinction between mixed-use and other policy categories.
- Mixed-use areas should be developed in accordance with a coherent plan or overall working concept of a desired end. For each area to which MU policy is applied, the Land Use Policy Plan

should give guidance to the types and scale of land use, appropriate ranges of intensity, and, if needed in a particular application, general locations within the area where different types of development should be encouraged. Plans including an architectural and/or design review component, such as some type of historic or special district overlay, are appropriate to help ensure compatible development and protection of valuable existing resources.

MU policy is applied to one area within Subarea 12, Area 14A. This area and any additional policies, guidelines, or other provisions are as follows:

Area 14A: This MU area is located along the east side of Nolensville Pike opposite Bradford Hills Drive. It is the Village Center portion of the Lenox Village neighborhood, which also includes RM area 4F. It is bordered by RLM area 3F to the west, by RM area 4F to the north and east, and RLM area 3F on the south. The portion of adjacent RLM area 3F that is on the west side of Nolensville Pike includes an unmapped retail node at that surrounds the intersection of Bradford Hills Drive and Nolensville Pike. MU policy is applied to support the integrated mixture of neighborhood-scale residential, retail, restaurant, office, and live-work uses intended within the Village Center. This area is part of the Lenox Village Special Urban Design Treatment Area. Design goals and objectives have been established to guide the development of Lenox Village (see Section 3.42 F on page 59 of this document), which should be implemented through Urban Design Overlay zoning.

g) by amending the “Table of Contents” by adding to the list of Figures on page x the following figure:

FIGURE 3-3: Lenox Village Special Urban Design Treatment Area 59a

33. Legislative update

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

Manier stated the collective impact on the school system was left out of the staff report and he wanted to see those reports.

Mr. Bernhardt stated that omission was not intentional and the numbers from school board would be included in the next reports.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:40 p.m.

Chairman

Secretary

Minute Approval:
This 24th day of May 2001

