



Metro Planning Commission Meeting of 5/13/04



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

Minutes Of the Metropolitan Planning Commission May 13, 2004 *****

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II
Chris Wooton, Planning Technician I
Cynthia Woods, Planner III

Commission Members Absent:

Phil Ponder, representing Mayor Bill Purcell

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

On behalf of the Commission, Chairman Lawson expressed well-wishes for Councilmember Feller Brown and Mr. John Stern, who are both recovering from surgery.

II. ADOPTION OF AGENDA

Mr. Kleinfelter announced that the councilmember listing for Item 19 – 2004S-140G-04 (Pharris Place), should read as Councilmember Craddock.

Mr. Lawson requested moving Items VII (Updated Land Use Policy Application Document) & VIII (Amendments to the Subarea Plans to Incorporate the Provisions of the Revised Land Use Policy Application Document) to the end of the agenda.

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to adopt the agenda as amended. (7-0)

III. APPROVAL OF APRIL 22, 2004 MINUTES

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously, to approve the minutes of April 22, 2004. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman stated he would hold his comments until his item(s) were presented.



Metro Planning Commission Meeting of 5/13/04

Councilmember Dozier stated he would hold his comments until his item(s) were presented.

Councilmember Gotto stated he would hold his comments until his item(s) were presented.

Councilmember Toler acknowledged the work of the Commission and stated the items concerning his district were on the Consent Agenda.

Councilmember Foster addressed many issues and concerns he and his constituents have regarding Items 7 and 8 – 2004Z-047U-12 and 114-78U-12 (Edmondson Place Townhomes PUD).

Councilmember Craddock spoke in favor of Item 19 – 2004S-140G-04 (Pharris Place). He presented a petition and pictures to the Commission. The petition included fifty signatures of homeowners in Neely's Chase Subdivision, (the subdivision which abuts this development) who are in favor of the sidewalk variance request. He stated that the sidewalk variance would help protect the natural tree buffer which was included in this development. The pictures were of the natural tree buffer area.

Stewart Clifton arrived at 4:07

Judy Cummings arrived at 4:11

Victor Tyler arrived at 4:13

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

3. 2004Z-051G-06 CN & R80 to CS, Highway 70 S (unnumbered) – Deferred indefinitely
10. 2004Z-055G-13 IR to IG property at 12761 Old Hickory Blvd., 300 ft. North of Logistics Way – Deferred indefinitely
20. 2004S-092A-07 West Meade Farms – Deferred to June 10, 2004
23. 2004S-133U-03 Dylan Downs, N. side of Yokley Rd. - Approve with a sidewalk variance – Deferred to May 27, 2004
32. 2004P-011U-08 Germantown Partners Beer PUD, 5th Ave. North and Madison St. - Deferred indefinitely
33. 2004M-033U-09 Aerial Encroachment: Awning for The Drunken Fish, 2nd Ave. North – Deferred indefinitely

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. (9-0)

VI. PUBLIC HEARING: CONSENT AGENDA DEFERRED AND RE-REFERRED ITEMS

4. 2004S-109G-02 Eaton Estates, NE corner of intersection of Lickton Pk. & Freeman Hollow Rd. - Approve with conditions

PRELIMINARY SUBDIVISION PLATS

18. 2004S-139G-04 Margaret Heights Subdivision, Section Two, S. margin of Hudson Rd. - Approve with conditions

FINAL PLATS

24. 2004S-136G-04 Rippetoe Subdivision, Resub. of Lot 1, SW corner of Darbytown Dr. & Dickerson Pk. - Approve with conditions
25. 2004S-141G-12 Indian Creek Estates, Section 2, 1st Revision - Approve
26. 2004S-142G-12 Indian Creek Estates, Section 3, 1st Revision – Approve

PLANNED UNIT DEVELOPMENTS (revisions)

27. 154-73-G-14 Hermitage Woods, Section 4, W. side of Tulip Grove Rd. - Approve
28. 18-84-U-10 Burton Hills PUD (Covenant Presbyterian Church), E. margin of Hillsboro Pk. - Approve with conditions



Metro Planning Commission Meeting of 5/13/04

29. 85-85-P-12 Brentwood Commons, N. of Old Hickory Blvd. -Approve with conditions

30. 94P-009U-12 Brentwood Commons, N. of Old Hickory Blvd. - Approve with conditions, except that conditions in 1, 2, 3 & 4 in the staff report should be stricken because they have been adequately addressed by the applicant prior to the Commission meeting.

MANDATORY REFERRALS

34. 2004M-034U-10 Alley closure; 8th Avenue South/Lynwood and Alloway - Approve

Mr. Lawson stated that the "Correction to Minutes" memo, which refers to the meeting of March 25, 2004, should be listed as Item 38 on the agenda, and placed on the consent agenda.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the consent agenda, as amended. (9-0)

VII. REQUEST TO ADOPT THE UPDATED LAND USE POLICY APPLICATION DOCUMENT

Mr. Lawson requested that this item be deferred until May 27, 2004 due to the fact that there is a small majority of commissioners present to hear the presentation. He recommended that the public hearing remain open until such time, due to the fact, there was not enough time to re-publicize the issue to be reheard at the next meeting.

Ms. Sara Jane Boyd, 849 Russleo Drive, spoke in opposition to eliminating the transitional office policy.

Mr. Cecil Ross, 7635 Old Charlotte Pike, spoke in support of preserving the character of the subarea plan in Bellevue.

Mr. Small moved and Mr. McLean seconded the motion, which passed unanimously to DEFER the adoption of the Updated Land Use Policy Application Document and to keep the Public Hearing open until May 27, 2004. (6-0)

VIII. AMENDMENTS TO THE FOLLOWING SUBAREA PLANS TO INCORPORATE THE PROVISIONS OF THE REVISED LAND USE POLICY APPLICATION DOCUMENT: The Plan for Subarea 8: The North Nashville Community: 2002 Update; Bellevue Community Plan: 2003 Update; Antioch-Priest Lake Community Plan: 2003 Update; Bordeaux-Whites Creek Community Plan: 2003 Update; and Joelton Community Plan: 2003 Update

Mr. Small moved and Mr. McLean seconded the motion, which passed unanimously to DEFER the adoption of the Amendments to the Subarea Plans to Incorporate the Provisions of the Revised Land Use Policy Application Document and to keep the Public Hearing open until May 27, 2004. (6-0)

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS **DEFERRED AND RE-REFERRED ITEMS**

- 2004Z-045G-12**
Map 182, Parcels 13.04 and 15
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a to RS10 district properties located at Route 1 Old Hickory Boulevard (unnumbered), north of Whittemore Lane and south of Legacy Drive, (34.08 acres), requested by McKinney Engineering for Janice Rose Jones, owner.

Staff Recommendation - Approve with conditions



Metro Planning Commission Meeting of 5/13/04

APPLICANT REQUEST - Rezone 34.08 acres from agricultural/residential (AR2a) to residential single-family (RS10) district property at Route 1 Old Hickory Boulevard (unnumbered), north of Whittemore Lane and south of Legacy Drive.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning would allow for approximately 17 dwelling units.

Proposed Zoning

RS10 district - RS10 requires a minimum 10,000 square foot lots and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This zoning would allow for approximately 126 dwelling units.

SUBAREA 12 PLAN POLICY

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - The proposed RS10 zoning district is consistent with the RLM policy. It is also consistent with the surrounding zoning districts in the area. These parcels are located off of Old Hickory Boulevard, which is a substandard collector road. This proposal is near the Old Hickory Hills subdivision, for which the Commission recommended conditional approval based on dedication of right-of-way for road realignment and realignment of the road to correct the severe curve at this section of Old Hickory Boulevard. At the development stage, right-of-way dedication may be required to further the alignment of Old Hickory Boulevard. Access may also be required only through the adjacent Old Hickory Hills subdivision at the development stage.

RECENT REZONINGS -The Commission recommended approval of a zone change request on a portion of parcel 27 on March 25, 2004. Another portion of parcel 27 was rezoned by the Council in August 2003 and the Commission recommended approval in April 2003.

TRAFFIC

Public Works Recommendation - With the submittal of Final Development Plans and review by the Traffic Engineer, an Access Study will be required to determine the additional traffic generated by the proposed level of development and required mitigations.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached ()	34.08	0.5	17	163	22	22

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached ()	34.08	3.7	126	1,206	98	133

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Number of	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Metro Planning Commission Meeting of 5/13/04

			Units			
--	--	--	+109	1,043	+76	+111

METRO SCHOOL BOARD REPORT

Projected student generation: 24 Elementary 18 Middle 14 High

Schools Over/Under Capacity: Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster and capacity at the high school in an adjacent cluster. There are no middle schools with capacity in the Antioch cluster, however. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$234,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements

Location	Project	Projected Date
Antioch Cluster (New middle school)	Purchase land and construct	FY03-04
Antioch High School	District Wide ADA Compliance	FY03-04

CONDITIONS

1. Prior to the approval of any preliminary plat on this property, an access study must be submitted to the Planning Department and the Public Works Department for review and approval.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Councilmember Coleman stated that he opposed this development previously due to the issues concerning traffic and overcrowded schools in his district. He stated that he has since then, met with the developers, who have agreed to address these issues and concerns associated with this proposal, and that he was in favor of this request.

Ms. Janie McKenny, a resident of Long Haven, spoke in opposition to the proposal due to the additional traffic that would be generated.

Mr. David Johnson, a resident of Ashford Crossing, spoke in opposition to the proposal.

Mr. Small moved and Ms. Jones seconded the motion, which passed unanimously to approve Zone Change Request No. 2004-045G-12. **(9-0)**

Resolution No. 2004 –133

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-045G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the approval of any preliminary plat on this property, an access study must be submitted to the Planning Department and the Public Works Department for review and approval.

The proposed RS10 district is consistent with the intent of the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for residential development within a density range of two to four dwelling units per



Metro Planning Commission Meeting of 5/13/04

acre. It is also consistent with the surrounding zoning districts in the area. Since Old Hickory Boulevard is a substandard road, access will need to be determined at the development stage to evaluate any traffic concerns. Therefore, an access study must be submitted to the Planning Department and the Public Works Department for review and approval prior to the approval of any preliminary plat on this property.”

2. **2004Z-012U-08**
Map 81, Portion of Parcel 45
Subarea 8 (2002)
District 21 (Whitmore)

A request to change from R6 to RM15 district a portion of property at Clarksville Pike (unnumbered), north of Metrocenter Boulevard (11.71 acres), requested by Ragan-Smith-Associates, Inc., applicant, Charles Binkley and Eatherly Family Holding Company, owner.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 11.71 acres from residential (R6) to residential multi-family (RM15) district a portion of property at Clarksville Pike (unnumbered), north of Metrocenter Blvd.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. R6 zoning allows a total of 72 lots or 90 total units on this site including 25% duplex lots.

Proposed Zoning

RM15 district - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The RM15 district would allow 176 units.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood. These areas are intended to contain predominantly commercial and mixed-use development as well as neighborhood and community oriented public and public benefit activities. Residential, mixed use and nonresidential development proposals other than civic and public benefit should meet all of the following criteria to be considered on their merits: If available, Traditional Neighborhood Development (TND) regulations should apply. If TND regulations are not available, several conventional zoning districts apply if accompanied by an Urban Design or Planned Unit Development overlay district.

Policy Conflict - The proposed zoning district (RM15) is consistent with the North Nashville Community Plan's Corridor Center policy. The Commission recommended disapproval of this request in January because there was no overlay accompanying the zone change in which the Corridor Center policy called for in the subarea plan. The Land Use Policy Application (LUPA) document (also on this agenda) adds language allowing for a site plan to be submitted and reviewed by staff as an alternative to an overlay district in such cases as this one. The design standards that would typically be accomplished by a PUD plan are achieved through a site plan submitted by the applicant. The applicant has been cooperative and has submitted revised plans incorporating suggestions from staff.

RECENT REZONINGS - The Planning Commission recommended disapproval of a request to rezone this property to RM15 in January 2004, since there was no site plan submitted.

TRAFFIC - Based on the trip generation numbers for residential multi-family (RM15), this proposal is expected to generate approximately 990 daily vehicular trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendation - "With the submittal of Final Development Plans and review by the traffic engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and the required mitigations."



Metro Planning Commission Meeting of 5/13/04

METRO SCHOOL BOARD REPORT

Projected student generation: 11 Elementary 8 Middle 7 High

Schools Over/Under Capacity: - Students would attend Brookmeade Elementary, Hill Middle School and Hillwood High School. Hill has been identified as being overcrowded by the Metro School Board. There is capacity at a middle school within the Hillwood cluster. This information is based upon data from the school board last updated January 16, 2004.

Planned School Capital Improvements:

Location	Project	Projected Date
Brookmeade Elementary	Renovation	FY07-08
Hillwood High	Renovation	FY07-08

Ms. Harris presented and stated that staff is recommending approval.

Mr. Chris Utley, 511 Emerald Court, spoke in opposition to the development due to traffic issues and the fact the land was utilized as a dump in the past.

Mr. Mack Prichard, 1828 River Drive, spoke in opposition to the development due to floodplain issues.

Mr. James Utley, 3822 Hydes Ferry Road, spoke in opposition to the development due to traffic issues and the fact that the land was utilized as a dump in the past.

Chairman Lawson expressed concerns regarding traffic for this area. He requested that Mr. Charles Hasty, of the Public Works Department, address this issue for the Commission.

Mr. Hasty stated that due to the fact that this was a zone change request only, the Public Works Department had not reviewed a final site plan. He did mention that once the final site plan was submitted, it was anticipated that the developer will be asked to submit a traffic impact study for the area.

Ms. Cummings expressed concerns regarding this development only having one ingress/egress onto Clarksville Highway. She stated that she is not in favor of approving this request until further investigation could be completed on the traffic issues.

Mr. Small stated that the Commission had already disapproved this zone change request in the past and asked for clarification as to why it was being resubmitted for approval.

Mr. Bernhardt clarified by stating that the original submittal did not include a PUD, and that this proposal does include a conceptual site plan at this time.

Chairman Lawson requested that this item be deferred in order to allow Public Works to review the site plan associated with this proposal.

Mr. McLean moved and Mr. Small seconded the motion, which passed unanimously, to DEFER Zone Change No. 2004-045G-12 indefinitely to allow the developer to submit a traffic study to the Public Works Department for their review and recommendations for this development. (9-0)

Ms. Cummings suggested that the developer meet with the Community regarding this project.

- 3. **2004Z-051G-06**
Map 126, Parcel 144
Subarea 6 (2003)
District 35 (Tygard)



Metro Planning Commission Meeting of 5/13/04

A request to change from CN and R80 districts to CS district property located at Highway 70 South (unnumbered), along the east side of Old Charlotte Pike, (6.46 acres), requested by James and Carolyn Gunter, owners.

Staff Recommendation - *Disapprove*

APPLICANT REQUEST -Rezone 6.46 acres from commercial neighborhood (CN) and residential single-family and duplex (R80) to commercial service (CS) district property at Highway 70 S (unnumbered), along the east side of Old Charlotte Pike.

Existing Zoning

CN district - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

R80 district - R80 requires a minimum 80,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 0.58 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - The proposed zoning district (CS) is not consistent with the RLM policy, which is intended for residential development within a density range of two to four dwelling units per acre. There is CS zoning adjacent to this parcel, however, there was a zone change request to RM15 for this parcel in January. The Commission recommended approval of the RM15 and the bill has been deferred at Council.

RECENT REZONINGS - Parcel 026 was rezoned in June 2003, from AR2a to RS15. The Commission recommended approval with conditions. The conditions were based on a more detailed TIS and conservation easements for the floodplain/way at the development stage.

TRAFFIC

Public Works Recommendation - With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.

Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.46	0.066	18,572	798	19	70

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.46	0.066	18,572	798	19	70



Metro Planning Commission Meeting of 5/13/04

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	6.46	0.25	70,349	775	142	158

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.46	0.60	168,838	7,250	174	633

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	6,475	+32	+475

The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-051G-06 indefinitely. (9-0)

4. **2004S-109G-02**
 Eaton Estates
 Map 17, Parcels 43.01 and 354
 Subarea 2 (1995)
 District 10 (Ryman)

A request for preliminary plat approval for 3 lots located at the northeast corner of the intersection of Lickton Pike and Freeman Hollow Road (9.41 acres), classified in the AR2a district, requested by Harold Clark, owner, and Dale & Associates, engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - This request is to subdivide 9.4 acres into 3 single-family lots along the north side of Lickton Pike, and the east side of Freeman Hollow Road.

ZONING

AR2a District: Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

SUBDIVISION DETAILS - This plat is consistent with the Subarea 2 Plan's Natural Conservation (NCO) policy intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate.

The proposed lot sizes range from 2.6 acres to 3.4 acres. Since this is not a cluster lot subdivision, there is no open space requirement. Access to Lots 2 and 3 will be from a joint access easement from Lickton Pike. Lot 1 will be accessed from an existing driveway to Freeman Hollow Road. All three lots will be served by private septic systems, requiring Health Department approval. Sidewalks are not required on this plat since the property is zoned AR2a.



Metro Planning Commission Meeting of 5/13/04

STORMWATER - There is stream buffer along the western side of lots 1 and 3 that cannot be crossed without approval from the Metro Stormwater Committee.

TRAFFIC

Metro Public Works Recommendation - No exception taken.

CONDITIONS

1. Staff recommends conditional approval of this preliminary plat, subject to the following conditions:
2. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
3. NES approval shall be submitted prior to final plat recordation.
4. Prior to the recording of any final plat for this property, the Metro Health Department shall approve the proposed septic fields.

Approved with conditions **(9-0)**, *Consent Agenda*

Resolution No. 2004 -134

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-109G-02 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. Staff recommends conditional approval of this preliminary plat, subject to the following conditions:
2. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
3. NES approval shall be submitted prior to final plat recordation.
4. Prior to the recording of any final plat for this property, the Metro Health Department shall approve the proposed septic fields.”

X. ZONING MAP AMENDMENTS:

5. **2004Z-046G-14**
Map 98, Parcel 34
Subarea 14 (1996)
District 12 (Gotto)

A request to change from AR2a to R15 district property at 3200 Earhart Road, at the northwest corner of Earhart Road and John Hager Road, (117.92 acres), requested by Lose and Associates, Inc. for Frank Batson Homes, and F.E. Smith, Jr., owner. (See PUD Proposal No. 2004P-009G-14 below).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Rezone 117.92 acres from agricultural (AR2a) to residential (R15) district as part of a requested new Planned Unit Development. The property is located along the north side of John Hager Road and along the west side of Earhart Road.

Existing Zoning



Metro Planning Commission Meeting of 5/13/04

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. Currently, the AR2a district would permit a total of 59 lots.

Proposed Zoning

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. The R15 district would permit a maximum of 291 lots, or 364 total units with 25% duplex. The proposed PUD includes a total of 290 units.

SUBAREA 14 PLAN

Residential Low-Medium (RLM) - RLM policy is a policy category designed to accommodate residential development within a density range of 2 to 4 dwelling units per acre. The predominant development type in RLM areas is single-family, although some townhomes and other forms of attached housing may be appropriate. The Subarea 14 Plan calls for careful consideration of the density of development in the area where this project is proposed. The rocky terrain, the widespread presence of sinkholes (which may have limited drainage capacity), and the potential impact of runoff on J. Percy Priest Lake require the additional consideration. Additionally, the area’s accessibility to the regional road system is limited.

Policy Conflict - No. The associated PUD plan proposes 290 single-family and duplex homes on the 118-acre tract, for a gross density of 2.46 dwelling units per acre – which is at the low end of the RLM density range. In addition, although this area’s accessibility to the regional road system is limited, the applicant is proposing to relocate John Hager Road so that it aligns with John Hager Road on the east side of Earhart Road. This significant roadway improvement, in conjunction with the roadway widening and sidewalk improvements (along John Hager) that will be occurring as part of the construction of Ruby Major Elementary should greatly improve the immediate roadway network in the area.

RECENT REZONINGS - No

TRAFFIC

Metro Public Works Recommendation: Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS), being met prior to adoption by the Metro Council:

1. Construct realigned John Hager Rd as collector cross-section with wide outside lanes (WOL) per the Strategic Plan for Bikeways.
2. Provide continuous center turn lane on new section of John Hager Rd with 75 ft of dedicated storage for eastbound left turns at streets A, D, and E. Provide 150 feet of dedicated storage for eastbound left turns at the intersection with Earhart Road.
3. Provide 2 exit lanes and 1 entering lane for street D at intersection With John Hager Road.
4. Trails shall intersect roadways at street intersections.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total # of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	117.92	0.5	59	565	51	67

Typical Uses in Proposed Zoning District: R15/Res PUD

Land Use (ITE Code)	Acres	Units Per Acre	Total # of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Metro Planning Commission Meeting of 5/13/04

Single-Family Detached/Attached (210)	117.92	2.47	291	2785	206	281
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Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			+232	2220	+155	+214

METRO SCHOOL BOARD REPORT

Projected student generation: 48 Elementary 31 Middle 24 High

Schools Over/Under Capacity: Students would attend Dodson Elementary School, Donelson Middle School, and McGavock High School. Donelson Middle School has been identified as being over capacity by the Metro School Board. There is capacity at another middle school within the McGavock cluster. This information is based upon data from the school board last updated January 16, 2004.

Planned School Capital Improvements:

Location	Project	Projected Date
Dodson Elementary Renovation	Dodson Elementary School – Renovate Facility	Proposed G.O. Bonds FY2007-2008
McGavock Cluster Middle School - New	Construct a NEW Middle School for 800 Students in the McGavock	Proposed G.O. Bonds FY2008-2009
District Wide Elementary Gyms	Construct Elementary P.E. Rooms at Kings Lane, Glenciff, McGavock, J.E. Moss, Norman Brinkley, Crieve Hall, Kirkpatrick, Ross	Approved G.O. Bonds FY2003-2004

CONDITIONS

1. Because this project will generate more than 100 students, the Council bill should also include a condition stating the following: “No final PUD or plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential.”

1. A condition addressing Metro Public Works conditions has been placed in the associated PUD staff report.

[Note: Items #5 and #6 were discussed together by the Planning Commission. See Item #6 for resolutions and actions.]

6. **2004P-009G-14**
 Bridgewater PUD
 Map 98, Parcel 34
 Subarea 14 (1996)
 District 12 (Gotto)

A request for preliminary approval for a Planned Unit Development located abutting the west side of Earhart Road and the north side of John Hager Road, classified AR2a and proposed for R15, (117.92 acres), to permit the



Metro Planning Commission Meeting of 5/13/04

development of 290 single-family lots, requested by Frank C. Batson Homes for F. E. Smith, Jr., owner. (See Zone Change Proposal No. 2004Z-046G-14 above).

Staff Recommendation - *Approve with conditions*, and recommend approval of the sidewalk variance request for “old” John Hager Road due to topographic constraints, but recommend disapproval of the sidewalk variance request along Earhart Road since no unique hardship exists.

APPLICANT REQUEST

Preliminary PUD - Request to approve a new Preliminary Planned Unit Development Overlay to allow for the development of 192 single-family detached lots and 98 single-family attached (duplex) lots on approximately 118 acres. The applicant is also requesting sidewalk variances to construct sidewalks along what will become “old” John Hager Road and along their frontages of Earhart Road. The property is located along the north side of John Hager Road and along the west side of Earhart Road.

PLAN DETAILS

Site Design: The proposed plan calls for the development of three different housing types. The predominant type is the more traditional, suburban-style lot that will be within the 8,000 to 10,000-square foot range. The second type is a more traditional approach, with garages designed to the rear of each site and accessed by a private alley. The last housing type proposed is the single-family attached units that will be marketed more for the elderly demographic, and are located within their own “alcove” of the subdivision. Staff does not support the applicant’s proposal to segregate this section from the rest of the development. A condition has been recommended, below, that requires greater interconnectivity between housing types. If vehicular connectivity is simply not an option for the applicant, then staff recommends that the proposed pedestrian paths be clearly signed and shown to provide an alternative approach to the one-way-in, one-way-out proposal.

Access & Connectivity: The development attempts to mold itself into the existing residential fabric by providing connections to John Hager Road at, essentially, two points, access to Earhart Road, and access to the north to a yet-to-be-named, or built, roadway. The internal connectivity is adequate, but staff had concerns during the plan review process with regards to Subdivision Regulation connectivity compliance. In light of these concerns, the applicant has indicated that the plan would be revised to provide greater connectivity to the 15 acres of property located between this site and Earhart Road. With this last-minute revision, there will be four points of public roadway access to the new subdivision. The new plan will be presented at the Planning Commission meeting.

Relocation / Realignment of John Hager Road

As part of this PUD, the applicant is proposing to realign John Hager Road on the west side of Earhart Road. Since the project site is located in the northwest corner of the current location of John Hager and Earhart, the developer is proposing to bring John Hager to the north, beginning around the recently-platted Hager’s Grove subdivision, and extending the collector road to directly across from the existing T-type intersection of John Hager and Earhart. Staff supports the utilization of the preferred collector street cross-section as called for in the Metro Nashville Bicycle & Pedestrian Plan. This alternate roadway cross-section provides a wider sidewalk (6 feet) and Wide-Outside Lanes (WOL) for bicycles.

TRAFFIC

Metro Public Works Recommendation - Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS):

1. Construct realigned John Hager Rd as collector cross-section with wide outside lanes (WOL) per the Strategic Plan for Bikeways.
2. Provide continuous center turn lane on new section of John Hager Rd with 75 ft of dedicated storage for eastbound left turns at streets A, D, and E. Provide 150 feet of dedicated storage for eastbound left turns at the intersection with Earhart Road.
3. Provide 2 exit lanes and 1 entering lane for street D at intersection with John Hager Road.



Metro Planning Commission Meeting of 5/13/04

4. Trails shall intersect roadways at street intersections.

CONDITIONS

1. A greater amount of connectivity must be provided between the attached homes and the detached homes via vehicular or pedestrian connections. If only required to provide better pedestrian linkages between the attached homes and the rest of the development, staff recommends that the paths must be a minimum of 4 feet wide, lighted, and clearly marked as such.
2. All internal pedestrian paths, excluding public sidewalks, because of their standard construction requirements, shall be a minimum of 4 feet in width and either paved or constructed with a permanent material such as pea gravel with railroad lumber edges. Since the attached units are marketed towards the elderly demographic, a "main" trail shall be established between the attached units and the amenities center that is paved and lighted.
3. The developer shall determine what areas of the entire pedestrian path may create potential safety concerns, such as areas that lack visibility from adjacent homes, and shall light these areas of the path.
4. In light of recommendation #4 from the Public Works Department, staff recommends that the Planning Commission require the applicant to work with the Planning Department and the Public Works Department to find the best terminus / intersection locations for the proposed pedestrian paths.
5. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
6. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.

Mr. Mitchell presented and stated that staff is recommending approval with conditions on the zone change as well as approval with conditions on the PUD associated with the zone change request.

Mr. Mitchell stated that staff is recommending approval of the sidewalk variance request for "old" John Hager Road due to topographic constraints, but recommend disapproval of the sidewalk variance request along Earhart Road due to the fact that there are not any unique hardships.

Mr. Bernhardt explained that this development would generate an additional 100 students for this area. He stated that since there already was an elementary school slated to be built across the street from this development, that the School District will address the issue of land donation by the developer, at the Council level.

Councilmember Dozier explained that Councilmember Gotto had a conflict of interest and that he would be representing this development. Councilmember Dozier explained that he held four community meetings regarding this development and received positive feedback from his constituents. Councilmember Dozier commended the developer as well as the community members who attended the meetings.

Mr. Kevin Guenther, Lose & Associates, spoke in favor of the development. He requested that the sidewalk variance be granted in order to preserve the rural setting of Earhart Road.

Mr. Tim Davis, 3196 Earhardt Road, expressed concerns regarding the development and his property.

Mr. Mitchell explained that the department had received revised plans that address the issues expressed by Mr. Davis.



Metro Planning Commission Meeting of 5/13/04

Mr. Wallace Gilmore, a resident of John Hagar Road, spoke in favor of the development.

Councilmember Gotto explained his conflict of interest to the Commission. He was to receive proceeds from a will as a result of the sale of a church he attended that was located on this property.

Ms. Cummings requested additional information pertaining to the sinkholes that were located within this development.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously, to approve staff recommendations for Zone Change Request 2004Z-046G-14, and preliminary approval of Planned Unit Development No. 2004P-009G-14. (9-0)

Resolution No. 2004 –135

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-046G-14 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Because this project will generate more than 100 students, the Council bill should also include a condition stating the following: “No final PUD or plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential.”
2. A condition addressing Metro Public Works conditions has been placed in the associated PUD staff report.

The proposed R15 district is consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for residential development within a density range of two to four dwelling units per acres. The associated Planned Unit Development proposes 290 single-family and duplex homes for an overall density of 2.46 dwelling units per acre, which is at the low end of the RLM density range. Roadway improvements are proposed with the PUD that will allow for the expansion of the regional road system in the area. A school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of education, the offer of such school site being proportional to the development’s student generation potential.”

Resolution No. 2004 –136

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-009G-14 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Construct realigned John Hager Rd as collector cross-section with wide outside lanes (WOL) per the Strategic Plan for Bikeways.
2. Provide continuous center turn lane on new section of John Hager Rd with 75 ft of dedicated storage for eastbound left turns at streets A, D, and E. Provide 150 feet of dedicated storage for eastbound left turns at the intersection with Earhart Road.
3. Provide 2 exit lanes and 1 entering lane for street D at intersection with John Hager Road.
4. Trails shall intersect roadways at street intersections.
5. A greater amount of connectivity must be provided between the attached homes and the detached homes via vehicular or pedestrian connections. If only required to provide better pedestrian linkages between the attached homes and the rest of the development, staff recommends that the paths must be a minimum of 4 feet wide, lighted, and clearly marked as such.



Metro Planning Commission Meeting of 5/13/04

6. All internal pedestrian paths, excluding public sidewalks, because of their standard construction requirements, shall be a minimum of 4 feet in width and either paved or constructed with a permanent material such as pea gravel with railroad lumber edges. Since the attached units are marketed towards the elderly demographic, a "main" trail shall be established between the attached units and the amenities center that is paved and lighted.
7. The developer shall determine what areas of the entire pedestrian path may create potential safety concerns, such as areas that lack visibility from adjacent homes, and shall light these areas of the path.
8. In light of recommendation #4 from the Public Works Department, staff recommends that the Planning Commission require the applicant to work with the Planning Department and the Public Works Department to find the best terminus / intersection locations for the proposed pedestrian paths.
9. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
10. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage."

7. **2004Z-047U-12**
Map 161, Parcel 18
Subarea 12 (1997)
District 27 (Foster)

A request to change from R8 to RM15 district property at McMurray Drive (unnumbered), approximately 1,250 feet east of Edmondson Pike, (21.87 acres), requested by Ragan-Smith & Associates, Inc., applicant, for Gertrude Tibbs Ezell, owner. (See PUD Proposal No. 114-78U-12 below).

[Note: Items #7 and #8 were discussed together by the Planning Commission. See Item #8 for actions and resolutions.]

8. **114-78U-12**
Edmondson Place Townhomes PUD
(formerly known as McMurray Townhomes)
Map 161, Parcel 18
Subarea 12 (1997)
District 27 (Foster)

A request to amend the undeveloped Planned Unit Development located abutting the north side of McMurray Drive and the west terminus of McMurray Court, classified R8 and proposed for RM15, (21.87 acres), to permit the development of 218 townhomes to replace a 162-unit townhome retirement development, requested by Ragan-Smith & Associates, applicant, for Gertrude Tibbs Ezell, owner. (See Zone Change Proposal No. 2004Z-047U-12 above).

Mr. Mitchell presented and stated that staff is recommending approval on the zone change request as well as approval with conditions on the proposed Planned Unit Development.

Chairman Lawson requested that Mr. Mitchell explain each of the conditions that were placed on the development.

Mr. Mitchell proceeded to explain each condition to the audience, as well as the special traffic conditions placed on the development.

Mr. Michael Reilly, 713 McMurray Drive, spoke in opposition to the development primarily due to the traffic situation.



Metro Planning Commission Meeting of 5/13/04

Ms. Amy Wilson, 713 McMurray Drive, spoke in opposition to the development due to traffic issues as well as the loss of the habitat in the streams.

Mr. Joe Puckett, 723 McMurry Drive, spoke in opposition to the development due to additional traffic to an already high density residential area.

Ms. Angelic Golden, 5161 Whittaker drive, spoke in opposition to the development due to the already overcrowded schools in the area.

Mr. Steven Hoskins, 627 Woodett Drive spoke in opposition to the development due to additional traffic to an already high density area.

Mr. Wes Haddaway 707 McMurray Drive, spoke in opposition to the development due to traffic concerns.

Ms. Naomi Derryberry, 630 McMurray Drive, spoke in opposition to the development due to high density and the topography of the land.

Mr. James Vox, 639 Woodett Road, spoke in opposition to the development.

Mr. John Robinson, 731 Tobylynn Drive spoke in opposition to RM15 zoning.

Mr. Tony Greco, 5024 McMurray Court, spoke in opposition to the development.

Mr. Bill Carter, a resident of McMurray Drive, spoke in opposition to the development.

Mr. Randy Caldwell, Ragan-Smith, spoke in favor of the development. He stated that the developer is in agreement with the conditions placed in the staff recommendations. He mentioned that the development is within the realm of the subarea plan for this area.

Mr. Scott Neece stated that he had completed the traffic study for this particular development. His studies measured volume as well as speed of vehicles traveling in this area. He stated that he will provide a copy of his findings to staff.

Mr. Tom White, legal representative, spoke in favor of the development and stated that the proposal is consistent with the subarea plan.

Councilmember Randy Foster presented a petition of signatures of those who oppose this development. He mentioned that safety in relation to site distance is a primary concern of those in opposition. He also spoke of the density of the proposal. Councilmember Foster announced that he would be holding a community meeting, next Wednesday evening at McMurray Middle School to continue discussions regarding this development.

Mr. Clifton moved and Ms. Nielson seconded the motion, which passed unanimously, to defer Zone Change No. 2004Z-047U-12 and the undeveloped Planned Unit Development No. 114-78U-12 until May 27, 2004. **(9-0)**

Mr. Clifton spoke of the specific concerns raised by the Community and concurred with the deferral of this item in order to allow staff, as well as the developers, address the specific issues discussed.

The Commission recessed at 5:45

The Commission resumed at 6:00 p.m.

Mr. Tyler left the meeting at 5:30 p.m.

Ms. Ann Nielson left the meeting at 5:30 p.m.



Metro Planning Commission Meeting of 5/13/04

Ms. Judy Cummings left the meeting at 5:30 p.m.

The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-047U-12 to the May 27, 2004 meeting. (9-0)

The Metropolitan Planning Commission DEFERRED PUD No. 114-78-12 to the May 27, 2004 meeting. (9-0)

9. **2004Z-054G-03**
Map 68, Parcel 32
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from AR2a to IR district property at 4511 Amy Lynn Drive, approximately 220 feet south of Ashland City Highway, (4.76 acres), requested by William C. Sanders, Jr., owner.

Ms. Harris presented and stated that staff is recommending approval.

Mr. Steven Henry , 5377 Eatons Creek Road, spoke in opposition to IR zoning for this area.

Mr. Bud Sanders, property owner, spoke in favor of the zone change request. He stated that he would be placing storage units on the property which is appropriate for the area.

Mr. McLean requested clarification on the TVA easement which runs through the property.

Mr. Clifton requested clarification on the current zoning as well as other uses for IR zoning.

Mr. Small suggested amending the subarea plan, before approving this parcel, in order to make it compliant with the subarea plan.

Ms. Jones requested clarification on greenways.

Councilmember Loring moved, and Mr. McLean seconded the motion, to approve Zone Change No. 2004Z-054G-03.

Ayes – Loring, Jones, McLean

No Votes – Small, Lawson, Clifton

This motion failed.

Mr. Clifton suggested that this item be deferred to allow time for staff to consult with the applicant on other possible solutions for his proposal in order to comply with the subarea plan.

Mr. McLean moved, and Mr. Clifton seconded the motion, which passed unanimously, to defer Zone Change No. 2004-054G-03 until June 10, 2004. **(6-0)**

The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-054G-03 to the June 10, 2004 meeting. (6-0)

10. **2004Z-055G-13**
Map 175, Parcel 36
Subarea 13 (2003)
District 32 (Coleman)



Metro Planning Commission Meeting of 5/13/04

A request to change from IR to IG district property at 12761 Old Hickory Boulevard, approximately 300 feet north of Logistics Way, (3.26 acres), requested by Saeed Sassan, 101 Construction Company, Inc., owner/applicant.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 3.26 acres from industrial restrictive (IR) district to industrial general (IG) district property at 12761 Old Hickory Blvd., approximately 300 feet north of Logistics Way.

Existing Zoning

IR district - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

IG district - Industrial General is intended for a wide range of intensive manufacturing uses.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

Industrial (IN) policy -IN policy is intended for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Policy Conflict - The proposed zoning district (IG) is consistent with the IN policy. It is also consistent with surrounding zoning districts along the east side of Old Hickory Boulevard. The subarea plan calls for a Planned Unit Development (PUD) to accompany zone changes within the IN policy in which there is no campus or master plan, or when there is no detailed neighborhood design plan. Although a plan has not been submitted, this parcel is already zoned for industrial uses.

RECENT REZONINGS - Parcel 104 was rezoned in January 2004, from IR to IG. The Commission recommended approval on September 11, 2003. The front portion of parcel 207 was rezoned from OR20 to IR in December 2000. The Commission recommended approval in August 2000.

TRAFFIC

Public Works Recommendation - "No Exception Taken."

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing ()	3.26	0.106	15,052	75	7	7

Typical Uses in Proposed Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial ()	3.26	0.302	42,885	65	22	30

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	+27,833	-10	15	23



Metro Planning Commission Meeting of 5/13/04

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (I)	3.26	0.272	38,625	270	36	38

Maximum Uses in Proposed Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial (I)	3.26	0.302	42,885	65	15	23

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	+4,260	-205	-21	-15

The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-055G-13 indefinitely. (9-0)

- 11. 2004Z-056U-03**
 Map 49, Parcel 185
 Subarea 3 (1998)
 District 3 (Hughes)

A request to change from SCN, RS20 and RS15 to RM9 (5.95 acres) and RS10 (32.49 acres) districts, property at 3705 Whites Creek Pike, north of Green Lane, (total of 38.44 acres), requested by Dale & Associates, Inc., applicant, for Jane D. Parmley and Howard Scott Dowlen, owners. (See PUD Proposal No. 2004P-012U-03 below).

[Note: Items #11 and #12 were discussed together by the Planning Commission. See Item #12 for actions and resolutions.]

- 12. 2004P-012U-03**
 Parmley Cove PUD
 Map 49, Parcel 185
 Subarea 3 (1998)
 District 3 (Hughes)

A request to cancel an undeveloped Commercial Planned Unit Development (88P-042), located abutting the east side of Whites Creek Pike, north of Green Lane, (12.8 acres), approved for an 80,000 square foot office and retail development, and to approve a preliminary Planned Unit Development with 91 single-family lots and 46 multi-family units, (38.44 acres), requested by Dale & Associates, applicant, for Jane D. Parmley and Howard Scott Dowlen, owners. (See Zone Change Proposal No. 2004Z-056U-03 above).

Mr. Mitchell presented and stated that staff is recommending approval of the zone change request as well as approval with conditions on the PUD request.

Mr. Nathan Massey, 5461 Wilderness Trail, spoke in opposition to the proposal and requested a deferral in order to allow the community to meet with the developers regarding this proposal.

Mr. Roger Bybee, 3616 Whites Creek Pike, spoke in opposition to the proposal and also commented that the Community was not notified of the development plans.



Metro Planning Commission Meeting of 5/13/04

Ms. Lori Little, 3623 Whites Creek Pike, distributed pictures of the area to the Commission. She spoke in opposition to the development.

Ms. Kelly Bamburger, 3623 Whites Creek Pike, spoke in opposition to the proposal.

Mr. Kenneth Bell, 3633 Whites Creek Pike, spoke in opposition to the proposal.

Mr. Roy Dale, applicant, spoke in favor of the development. Mr. Dale indicated that he would like to defer this item until June 10, 2004. This deferral would allow time for the developer to discuss this proposal with the community. He indicated there was a meeting scheduled for Tuesday, May 25th at 7:00 p.m. at Whites Creek High School for this purpose

Mr. McLean moved, and Mr. Loring seconded the motion, which passed unanimously to defer Zone Change No. 2004Z-056U-03 and Planned Unit Development No. 2004P-012U-03 until June 10, 2004. **(6-0)**

The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-056U-03 and PUD No. 2004P-012U-03 to the June 10, 2004 meeting.

- 13. **2004Z-057G-12**
Map 181, Parcel 49
Subarea 12 (1997)
District 31 (Toler)

A request to change from AR2a to SCC (30.15 acres), RM9 (28.94 acres), and R15 (16.2 acres) districts property at 6682 Nolensville Pike, approximately 700 feet north of Pettus Road, (75.29 acres total), requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant, for Hoover, Inc., owner. (See PUD Proposal No. 2004P-013G-12 below).

Staff Recommendation - Approve

APPLICANT REQUEST

Rezone 75.29 acres from agricultural (AR2a) to residential single-family and duplex (R15 – 16.2 acres), to residential multi-family (RM9 – 28.94 acres), and to shopping center community (SCC – 30.15 acres) districts, as part of a requested new Planned Unit Development. The property is located along the north side of Nolensville Pike, across from the current terminus of Concord Road.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. Currently, 38 lots would be permitted on this property.

Proposed Zoning

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. The R15 district would allow 40 total lots or 50 total units with 25% duplex lots.

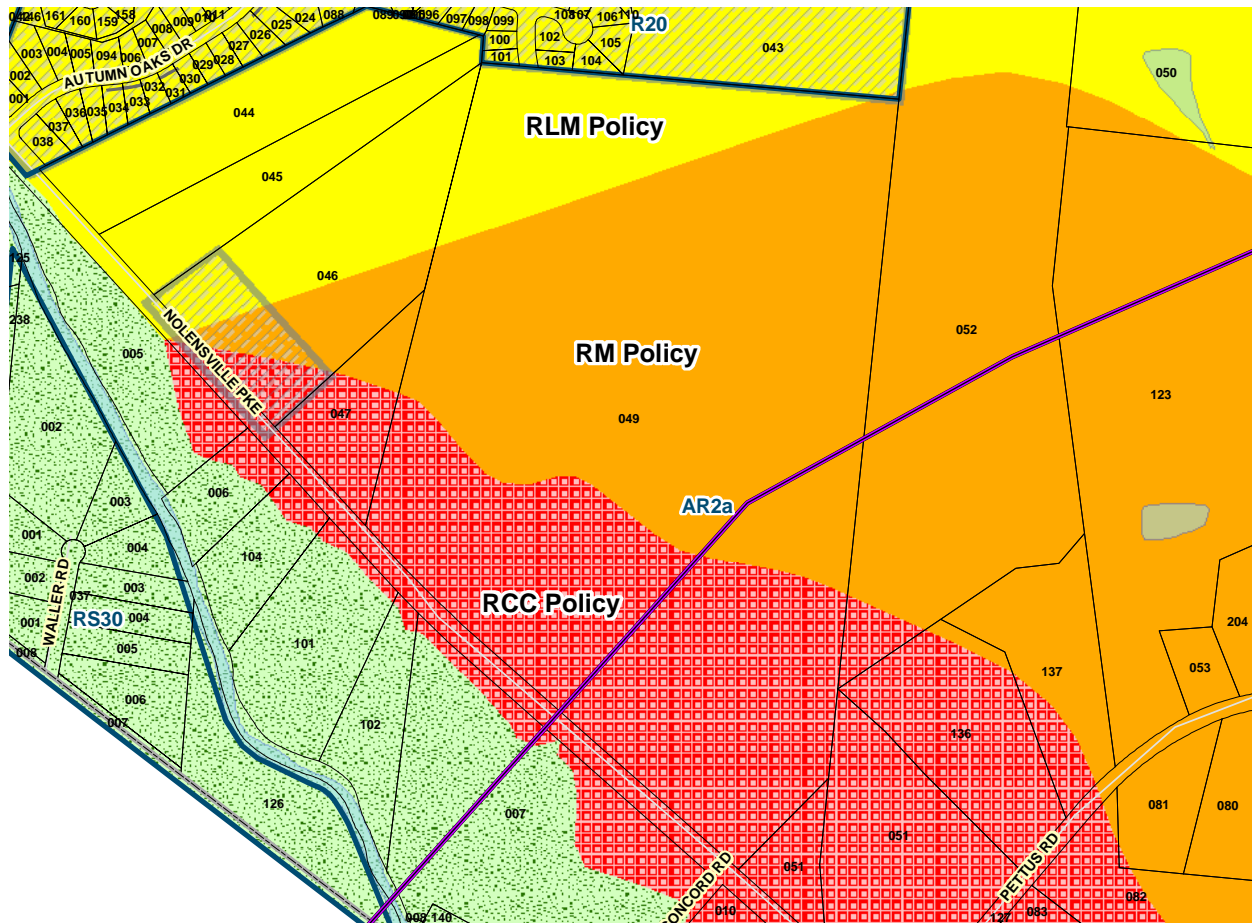
RM9 district - RM9 is intended for single-family, duplex and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 district would permit a total of 260 multi-family units

SCC district - Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area. The SCC district would allow a total of 656,667 square feet of shopping center uses.



Metro Planning Commission Meeting of 5/13/04

SUBAREA 12 PLAN



Residential Low-Medium (RLM) - RLM policy is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. The predominant development type in RLM areas is single-family, although some townhomes and other forms of attached housing may be appropriate. The Subarea 12 Plan specifically states that the intent is to preserve and promote development in accordance with the standard RLM policies.

Residential Medium (RM) - RM is a policy category designed to accommodate residential development within a density range of about 4 to 9 dwelling units per acre. A variety of housing types are appropriate in RM areas. The most common types include compact single-family detached units, townhomes, and walk-up apartments. Specifically regarding this area of RM, the plan recognizes that this policy area is centered around the proposed alignment of the southeast arterial proposed to intersect Nolensville Pike. "The application of RM policy in this area is to provide development opportunities that would support the community-scale commercial node."

Retail Concentration Community(RCC) - RCC is a policy intended for established and committed concentrations of community scale retail development that are to remain, as well as provide opportunities at appropriate locations for additional retail concentrations. Overall, RCC areas are intended to contain from 100,000 to 500,000 square feet of floor space serving a customer base of 35,000 to 100,000 people within a radius of 1 to 5 miles.

Policy Conflict - No. The associated PUD plan proposes to develop the 75.29-acre tract, which crosses the three land use categories, in accordance with the adopted Subarea Plan. The single-family portion of the PUD, 16.2 acres, is proposed for 40 lots, which proposes a density of 2.5 lots per acre. That density is within the RLM density range of 2 to 4 units per acre. The RM policy area will be developed with 248 townhomes and 5 additional single-family lots. The provision of these 253 units proposes a density of 8.7 dwellings / lots per acre. A density of 8.7 falls



Metro Planning Commission Meeting of 5/13/04

within the 4 to 9 density range of the RM policy. The overall density proposed for the residential portion of the PUD is 6.3 dwelling units per acre. The commercial portion of the PUD proposes 236,851 square feet of retail, restaurant, and fueling facilities. This square footage falls within the RCC intention of 100,000 to 500,000 square feet of floor area.

RECENT REZONINGS - No

TRAFFIC

Metro Public Works Recommendation: Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS):

1. The internal site road between Nolensville Road and Autumn Oaks Way shall be 60 feet of ROW and 3 lanes of pavement with a center turn lane.
2. Developer shall construct an eastbound right turn lane with 100 feet of storage on Concord Road at Nolensville Road.
3. Developer shall submit warrant analysis for the intersection of Concord Road, Nolensville Pike and the project driveway to the Metro Traffic Engineer. The warrant analysis shall be submitted prior to the issuance of Use and Occupancy permits for 25%, 50%, 75% and 100% of the commercial development. When the signal is warranted, developer shall have the signal designed, plans approved by the Metro Traffic Engineer, and installed.
4. Dedicate and/ or reserve 1/2 of a S4 arterial ROW or 60 ft of ROW for the SE Arterial along the SE property line to align with the Concord Road improvement.
5. Construct a 12 ft center turn lane along property frontage. Center turn lane shall extend from northern property line to the Pettus Road intersection with transition per AASHTO standards.
 - Install 150 ft dedicated left turn lane storage at the north site driveway.
 - Install 175 ft dedicated left turn storage at second project access.
 - Install 200 ft of left turn storage at Pettus.
 -
6. Install northbound right turn lane on Nolensville Road at both project access driveways with 100 feet of storage and transition per AASHTO standards. Dedicate ROW for the left turn and right turn lanes and dedicate or reserve 1/2 of the required ROW for a U6 arterial along Nolensville Road property frontage and reserve 5 feet of ROW for future bike lane to accommodate bike lanes on Nolensville Road as identified in the Nashville Bike Plan. Additional ROW shall also be reserved and or dedicated for the recommended sidewalk construction along arterials.
9. Install signalization at both project driveways when each is warranted. Conduct traffic counts and submit warrant analysis to metro traffic engineer for signal approval. The warrant analysis shall be submitted prior to the issuance of Use and Occupancy permits for 25%, 50%, 75% and 100% of the commercial development. Any necessary road improvements to accommodate signals, signal interconnect, and poles shall be constructed. Video detection equipment shall be utilized for the private driveway. Install pedestrian signals and associated ADA-compliant facilities, if sidewalks are required.
10. The developer shall construct a 12-foot wide right turn lane with 300 feet of storage and transition per AASHTO standards on Burkitt Road at its intersection with Nolensville Road. Right turn lane shall be constructed prior to the issuance of Use and Occupancy permits for 30% of the commercial development.
11. Subject to final approval of construction plans for all proposed public streets.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Metro Planning Commission Meeting of 5/13/04

			Lots			
Single-family detached (210)	75.29	0.5	38	364	29	39

Typical Uses in Proposed Zoning District: SCC with PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	29.15	--	218,000*	9361	225	818

Typical Uses in Existing Zoning District: RM9 with PUD

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low Rise Res. Condo/Townhome (231)	29.94	--	248*	--	167	194

Typical Uses in Existing Zoning District: R15 with PUD

Land Use (ITE Code)	Acres	FAR	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	16.2	--	60*	574	45	61

*Adjusted as per proposed PUD

METRO SCHOOL BOARD REPORT

Projected student generation: 24 Elementary 17 Middle 15 High

Schools Over/Under Capacity: Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. Overton High School has been identified as being over capacity by the Metro School Board. There is capacity at an elementary and middle school within the cluster; however, these schools have yet to open. Additionally, there is available capacity at a high school at an adjacent cluster. This information is based upon data from the school board last updated January 16, 2004.

COMMENTS

1. A condition addressing Metro Public Works conditions has been placed in the associated PUD staff report.

[Note: Item #13 and #14 were discussed together by the Planning Commission. See Item #12 for actions and resolutions.]

14. **2004P-013G-12**
 Legg Development PUD
 Map 181, Parcel 49
 Subarea 12 (1997)
 District 31 (Toler)

A request for a preliminary Planned Unit Development located abutting the north side of Nolensville Pike, opposite Concord Road, classified AR2a and proposed for SCC, RM9 and R15, (75.29 acres), to permit 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and gas station uses, requested by Barge, Waggoner, Sumner & Cannon for Legg Development Partnership, LLC, optionee, for Hoover, Inc., owner. (See Zone Change Proposal No. 2004Z-057G-12 above).



Metro Planning Commission Meeting of 5/13/04

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD - Request to approve a new Preliminary Planned Unit Development overlay to allow for the development of 236,851 square feet of commercial retail, restaurant, and fuel facilities on 30.15 acres; 248 townhome units and 5 single-family lots on approximately 28.94 acres; and for 40 single-family lots on approximately 16.2 acres. The property is located along the north side of Nolensville Pike, across from the current terminus of Concord Road.

PLAN DETAILS

Site Design: The proposed plan calls for the development of all 236,000 square feet of commercial area to be developed adjacent to Nolensville Pike. The commercial portion will have three points of access onto Nolensville – with one of the access points being proposed as a public roadway that will lead to the townhome and single-family portions. All single-family lots are located in the northernmost portion of the site at the top of the hill – abutting the Autumn Oaks residential PUD. Two stub streets will provide connections between these new lots and the existing Autumn Oaks development. Between the single-family and commercial, the townhomes will fill out the remainder of the slope and will overlook the commercial area.

Access & Connectivity: Access to the site is provided via Nolensville Road and through a portion of the Autumn Oaks subdivision. There are three points of ingress and egress proposed along Nolensville Road. The northernmost access is proposed as a public road that will lead into the residential portion. The center access point will remain private, but will provide access to both the commercial as well as the townhomes to the north. The third, southernmost access point, will act as a temporary point of ingress and egress due to the proposed Southeast Arterial roadway. Until that proposed roadway is built, this access point would provide direct access to the commercial portion and would act as one end of a loop road proposed to the rear of the commercial area.

In order to incorporate better pedestrian connections between the single-family, townhome, and commercial portions, staff is recommending that the applicant provide that additional pedestrian paths / linkages be provided between development types.

Southeast Arterial Managed Access Roadway:

The proposed SE Arterial roadway is projected, at this time, to extend northeasterly from the terminus of Concord Road. This location would place the limited access roadway directly on top of this development's southernmost point of ingress and egress. The developer recognizes that the roadway is a planned major arterial and that provisions must be made to allow for its construction. The developer has agreed to dedicate or reserve the required right-of-way for the road, and at such time as construction commences, their southernmost access point would be completely removed with no access to the new roadway.

The designation of Managed Access Roadway requires, at this time, that only major arterials and collector streets can connect to the new roadway. However, it should be noted that the roadway is still in its preliminary planning stage, and not yet determined whether future access to a development / property of this scale will be appropriate. To date, the Metropolitan Planning Organization (MPO) and the Metro Public Works Department have not supported private access to the planned roadway.

TRAFFIC

Metro Public Works Recommendations - Public Works recommends conditional approval, subject to the following conditions, generated from review of the required Traffic Impact Study (TIS):

1. The internal site road between Nolensville Road and Autumn Oaks Way shall be 60 feet of ROW and 3 lanes of pavement with a center turn lane.
2. Developer shall construct an eastbound right turn lane with 100 feet of storage on Concord Road at Nolensville Road.



Metro Planning Commission Meeting of 5/13/04

3. Developer shall submit warrant analysis for the intersection of Concord Road, Nolensville Pike and the project driveway to the Metro Traffic Engineer. The warrant analysis shall be submitted prior to the issuance of Use and Occupancy permits for 25%, 50%, 75% and 100% of the commercial development. When the signal is warranted, developer shall have the signal designed, plans approved by the Metro Traffic Engineer, and installed.
4. Dedicate and/ or reserve 1/2 of a S4 arterial ROW or 60 ft of ROW for the SE Arterial along the SE property line to align with the Concord Road improvement.
5. Construct a 12 ft center turn lane along property frontage. Center turn lane shall extend from northern property line to the Pettus Road intersection with transition per AASHTO standards.
 - Install 150 ft dedicated left turn lane storage at the north site driveway.
 - Install 175 ft dedicated left turn storage at second project access.
 - Install 200 ft of left turn storage at Pettus.
6. Install northbound right turn lane on Nolensville Road at both project access driveways with 100 feet of storage and transition per AASHTO standards. Dedicate ROW for the left turn and right turn lanes and dedicate or reserve 1/2 of the required ROW for a U6 arterial along Nolensville Road property frontage and reserve 5 feet of ROW for future bike lane to accommodate bike lanes on Nolensville Road as identified in the Nashville Bike Plan. Additional ROW shall also be reserved and or dedicated for the recommended sidewalk construction along arterials.
7. Install signalization at both project driveways when each is warranted. Conduct traffic counts and submit warrant analysis to metro traffic engineer for signal approval. The warrant analysis shall be submitted prior to the issuance of Use and Occupancy permits for 25%, 50%, 75% and 100% of the commercial development. Any necessary road improvements to accommodate signals, signal interconnect, and poles shall be constructed. Video detection equipment shall be utilized for the private driveway. Install pedestrian signals and associated ADA-compliant facilities, if sidewalks are required.
8. The developer shall construct a 12-foot wide right turn lane with 300 feet of storage and transition per AASHTO standards on Burkitt Road at its intersection with Nolensville Road. Right turn lane shall be constructed prior to the issuance of Use and Occupancy permits for 30% of the commercial development.
9. Subject to final approval of construction plans for all proposed public streets.

CONDITIONS

1. Owner agrees on behalf of itself and any tenants, now or in the future, to abandon any access on the southeastern boundary of the property with the construction of any public roadway in that location. Abandonment of said access shall be effective upon the funding and commencement of construction of the proposed roadway, currently known as the Southeast Arterial Roadway, adjacent to this property, and notice of the same from the Metropolitan Government of Nashville and Davidson County to the record owner of the parcel abutting said roadway. The Owner and its successors, tenants, or assigns, shall have no right of compensation for the abandonment of access, and owner agrees to not hinder the construction and / or closing of said access.
2. A unified system of pedestrian linkages, in addition to the currently proposed public sidewalks, shall be provided between each type of use to allow for greater flexibility / availability of pedestrian movement throughout the development and to discourage vehicular usage within the development between uses.
3. Proposed sidewalks / paths between the townhomes and the commercial portion shall be lighted to provide safe pedestrian access to these areas.
4. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.



Metro Planning Commission Meeting of 5/13/04

5. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
6. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.

Mr. Mitchell presented and stated that staff is recommending approval of the zone change request, as well as approval with conditions on the planned unit development. Mr. Mitchell also stated that Condition #2 in the staff report should be stricken because the applicant adequately addressed those issues prior to the Commission meeting.

Ms. Twana Chick, 6664 Nolensville Road, spoke in opposition to the additional traffic that would be generated by this development on Nolensville Road. She was in favor of the proposal.

Councilmember Toler stated that he held meetings with the community regarding this development and stated that he will continue to work with the developer in order to address any additional concerns raised by constituents. He was in favor of this development.

Mr. Tom White, applicant representative, spoke in favor of the development. He stated that the developers have met with the community and they have received approval on this proposal. He did comment that they will continue to meet with those who have additional concerns regarding the project.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve Zone Change No. 2004Z-057G-12 and Planned Unit Development No. 2004P-013G-12. **(6-0)**

Resolution No. 2004 –137

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-057G-12 is **APPROVED. (6-0)**

The proposed R15, RM9, and SCC districts are consistent with the Subarea 12 Plan’s Residential Low Medium (RLM), Residential Medium (RM), and Retail Concentration Community (RCC) policies, respectively. The associated PUD plan proposes R15 zoning at a density of 2.5 dwelling units per acre in the RLM policy area. The density proposed for the R15 district area is consistent with the RLM policy density range of two to four dwelling units per acre. The RM9 district is also consistent with the RM policy intended for four to nine dwelling units per acre. The plan proposes the RM9 area at a density of 8.7 dwelling units per acre, which is within the density range of the RM policy. The SCC zoning district proposed along Nolensville Pike is consistent with the RCC policy intended for concentrations of community scale retail development.”

Resolution No. 2004 –138

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2004P-013G-12 is **APPROVED WITH CONDITIONS, BUT STRIKING CONDITION #2. (6-0)**

Conditions of Approval:

1. Owner agrees on behalf of itself and any tenants, now or in the future, to abandon any access on the southeastern boundary of the property with the construction of any public roadway in that location. Abandonment of said access shall be effective upon the funding and commencement of construction of the proposed roadway, currently known as the Southeast Arterial Roadway, adjacent to this property, and notice of the same from the Metropolitan Government of Nashville and Davidson County to the record owner of the parcel abutting said roadway. The Owner and its successors, tenants, or assigns, shall have no right of compensation for the abandonment of access, and owner agrees to not hinder the construction and / or closing of said access.



Metro Planning Commission Meeting of 5/13/04

2. ~~A unified system of pedestrian linkages, in addition to the currently proposed public sidewalks, shall be provided between each type of use to allow for greater flexibility / availability of pedestrian movement throughout the development and to discourage vehicular usage within the development between uses.~~
3. Proposed sidewalks / paths between the townhomes and the commercial portion shall be lighted to provide safe pedestrian access to these areas.
4. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
5. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
6. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.”

XI. PRELIMINARY SUBDIVISION PLATS

15. **2004S-037G-04**
Harlan Heights Subdivision
Map 42-11, Parcels 73, 74 and 75
Subarea 4 (1998)
District 4 (Craddock)

A request for preliminary plat approval to create 4 lots abutting the southwest corner of Old Hickory Boulevard and East Marthona Road (4.13 acres), classified within in the RS20 district, requested by Jerry Harlan, owner, Jeffrey Gray, surveyor.

Ms. Fuller presented and stated that staff is recommending approval with conditions.

Chairman Lawson requested clarification regarding the application which was submitted for approval by the Commission.

Mr. Bernhardt explained that the exiting application as submitted did not comply with the subdivision regulations due to lot comparability. Staff provided two alternative plans to the applicant which did comply with the subdivision regulations.

Mr. Jerry Harlan, 613 Old Hickory Blvd., spoke in favor of the proposal he provided to staff and stated that the Councilmember and the community were also in favor.

Chairman Lawson recommended that the Commission defer this item to allow the applicant to continue to work with staff in order to provide a drawing that would meet subdivision regulations.

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously to defer Subdivision No. 2004S-037G-04 until May 27, 2004. **(5-1)** No Vote – Loring

Councilmember Loring indicated that Councilmember Craddock, as well as the community, were in favor of the original proposal that was submitted and he was in support of it also.

The Metropolitan Planning Commission DEFERRED Subdivision No. 2004S-037G-04 to the May 27, 2004 meeting.



Metro Planning Commission Meeting of 5/13/04

16.

2004S-070G-03

Fontanel, The Trails of
Map 49, Part of Parcel 140
Subarea 3 (1998)
District 3 (Hughes)

A request for preliminary plat approval for 10 lots, located on the east side of Whites Creek Pike, approximately 1,100 feet north of Lloyd Road, (98.23 acres), classified in the RS20 district, requested by Fontanel Properties, LLC., owner/developer and Advantage Land, surveyor.

Staff Recommendation - *Approve with conditions*, including variances for street design standards and lots in excess of three times the minimum lot size required by the RS20 zoning.

APPLICANT REQUEST

Preliminary Plat - Subdivide 98.23 acres into a 10-lot subdivision, with variances for street design standards and lots in excess of three times the minimum lot size required by the RS20 zoning.

ZONING

RS20 District - RS20 district allows single-family lots and requires a minimum lot size of 20,000 square feet.

SUBDIVISION DETAILS

Existing Structures - An estate home exists at the rear of the tract.

Floodplain - A minimal amount of floodplain is located within one of the lots in this phase; however, the access road for these lots crosses the Whites Creek floodway and floodplain.

Existing Access Road - There is an existing access road originally designed to serve the estate at the rear of the property. The access road, including underground utilities and drainage, was designed to fit in to the original grade of the valley floor with little or no cut and fill to the sides of the valley. This road is approximately 12 feet wide with shoulders of 2 feet wide on each side.

Variances

Lot Sizes (2-4.2 D) - The Subdivision Regulations require that the proposed lot area not exceed three times the minimum lot size required by the RS20 zoning. Exceptions may be made when land proposed for division contains floodplain or land otherwise unsuitable for development. In this case, the land is classified Natural Conservation because it has both topographic constraints and streams crossing the property. The developer's intent is to nestle the new homes with minimal land disturbance. The lot sizes range from 5 to 9 acres, with the estate remaining on a 34-acre lot. Staff recommends approval of this request, as the development proposal is more appropriate for the nature of the land than 20,000 square foot lots would be.

Street Standards (2-6.2.1 K (4) (d)) - This request is to reduce the required private roadway section from a pavement width of 20 feet with shoulders of 8 feet to a pavement width of 12 feet with shoulders of 2 feet to allow the existing access drive to function unaltered as the roadway for the proposed lots.

The applicant has noted that there is sufficient flat area to increase the existing road; however, the Stormwater Management Committee has required it to remain in its existing size. Mature trees and vegetation would be lost and the sides of the valley walls would have to be cut into causing scarification and erosion problems if the road were brought up to standards.

The plan deals with the narrow cross section by providing vehicle turn-outs at each driveway to allow for vehicle passing and adequate site distance. Additionally, the development access on Whites Creek Pike will be gated and minimal traffic will be using the drive.

Staff recommends approval of the variance because not granting the variance would create destruction of the environment and loss of the rural fabric that this development is trying to preserve.



Metro Planning Commission Meeting of 5/13/04

PUBLIC WORKS RECOMMENDATION - No exception taken.

1. It should be noted that the private access to Whites Creek Pike is subject to flood.
2. Adequate site distance is required if existing street cross section it to remain.

STORMWATER - On March 18, 2004 the Stormwater Appeal Board approved a variance request to allow the subdivision without the requirement for additional permanent onsite stormwater quality measures, to allow the disturbance of the blue line stream buffer for driveway crossings and pull-outs, and to allow the detention pond and stream buffers to fall within lots as easements rather than dedicated open space.

1. Obtain approval from TDEC for all blue line stream crossings prior to issuance of a Grading Permit from Metro Water Services.
2. Provide a permanent gravel or paved access drive (10' wide minimum) to the detention pond for inspection and maintenance. Provide rights of ingress and egress to Metro Water Services.
3. Note all stream buffers on the subdivision plat as Undisturbed Stream Buffer.
4. The Undisturbed Stream Buffer areas shall be clearly defined, and Subdivision Plat referenced in the Restrictive Covenants. Provide copy of recorded Restrictive Covenants to Metro Water Services, Stormwater Division prior to obtaining plan approval.
5. Size all driveway culverts and provide calculations to Metro Water Services, Stormwater Division for approval prior to plat approval. Include driveway culvert sizes on the plat.
6. Only one driveway with pull-over per lot is allowed if a stream crossing is required to access said lot. Keep disturbance of the stream buffer to the minimum necessary to construct the driveway crossing and pull-over.

CONDITIONS

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The elevation of the existing bridge and the elevation of the flood plain shall be clearly marked on the preliminary plat and future final plats.
3. All conditions of the Stormwater Appeal Board will be complied with in conjunction with approvals of the preliminary plat and final plat.
4. A joint access and maintenance agreement for the private road will be recorded in conjunction with the final plat.

Ms. Fuller presented and stated that staff is recommending approval with conditions including variances for street design standards and lots in excess of three times the minimum lot size.

Ms. Lori Little, 3623 Whites Creek Pike, spoke in opposition to the development due to lack of notification of the development.

Ms. Kelly Bamburger, 3623 Whites Creek Pike, spoke in opposition to the proposal due to lack of notification of the development.

Mr. Tom Ragsdale, developer, spoke in favor of the proposal. He stated that the developer has held numerous meetings as well as open houses regarding this development and requested approval.



Metro Planning Commission Meeting of 5/13/04

A resident of 5461 Wilderness Trail spoke in favor of the development. He indicated that the developer has held many meetings regarding this proposal and requested approval as well.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve staff recommendations of Subdivision No. 2004S-104G-13. (6-0)

Resolution No. 2004 -139

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-070G-03 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. It should be noted that the private access to Whites Creek Pike is subject to flood.
2. Adequate site distance is required if existing street cross section it to remain.
3. Obtain approval from TDEC for all blueline stream crossings prior to issuance of a Grading Permit from Metro Water Services.
4. Provide a permanent gravel or paved access drive (10’ wide minimum) to the detention pond for inspection and maintenance. Provide rights of ingress and egress to Metro Water Services.
5. Note all stream buffers on the subdivision plat as Undisturbed Stream Buffer.
6. The Undisturbed Stream Buffer areas shall be clearly defined, and Subdivision Plat referenced in the Restrictive Covenants. Provide copy of recorded Restrictive Covenants to Metro Water Services, Stormwater Division prior to obtaining plan approval.
7. Size all driveway culverts and provide calculations to Metro Water Services, Stormwater Division for approval prior to plat approval. Include driveway culvert sizes on the plat.
8. Only one driveway with pull-over per lot is allowed if a stream crossing is required to access said lot. Keep disturbance of the stream buffer to the minimum necessary to construct the driveway crossing and pull-over.
9. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
10. The elevation of the existing bridge and the elevation of the flood plain shall be clearly marked on the preliminary plat and future final plats.
11. All conditions of the Stormwater Appeal Board will be complied with in conjunction with approvals of the preliminary plat and final plat.
12. A joint access and maintenance agreement for the private road will be recorded in conjunction with the final plat.”

17. **2004S-104G-13**
The Preserve at Old Hickory
Map 175, Parcels 21 and 125
Map 164, Portion of Parcel 174
Subarea 13 (2003)
District 32 (Coleman)



Metro Planning Commission Meeting of 5/13/04

A request for preliminary plat approval for 159 lots, located on the west side of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (43.52), classified within the RS7.5 and RS10 districts, requested by Taylor-Duncan Interests, Inc., owner, and MEC, Inc, engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 43.52 acres into 159 lots with 14.92 (34%) acres of open space. This plat only includes Phase 1. The future Phase 2 will be located north of the TVA line.

ZONING

RS7.5 District - RS7.5 district allows single-family and requires a minimum lot size of 7,500 square feet. The maximum density for this project is 214 lots, but only 159 lots are proposed.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 and 3,750 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 or 7,500 square feet.

The plan proposes lots that range in size from 4,321 to 9,900 square feet, with the average being 5,891 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase.

SUBDIVISION DETAILS - This development is part of the 238.97 acre "Belz-McDowell" rezoning in the Antioch area from the summer of 2003 (ORDINANCE NO. BL2003-1383 and 2003Z-030G-13).

School Site Dedication - The rezoning was conditioned that prior to final plat approval, a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential.

This dedication is the responsibility of the remainder of the property rezoned by Belz-McDowell and is not associated with this project. This was previously agreed to by the School Board Staff.

Southeast Arterial - Another condition of the rezoning was that the applicant either dedicate or reserve right-of-way for the Southeast Arterial. The original submittal for this development contained over 302 lots over approximately 90 acres and failed to provide for the Southeast Arterial. It has been determined that the Southeast Arterial will run parallel to the north side of the TVA easement traversing the property. The applicant is in the process of contacting TVA to negotiate using the TVA easement as the reservation for the future roadway and has requested to defer the Planning Commission review of that portion of the development. The reservation for the Southeast Arterial will be revisited with Phase 2 of this development.

PUBLIC WORKS RECOMMENDATION

1. Construct 2 exiting lanes and 1 entering lane for the project access road at OHB/Hobson Pk intersection. Both 12 ft wide exiting turn lanes shall have 150 ft storage length and transition per AASHTO standards.
2. Construct an eastbound left turn lane with 150 ft of storage and transition per AASHTO standards on OHB/Hobson pk at the project access road. The developer shall dedicate and/ or reserve 1/2 of the ROW for a S4 arterial (1/2 of 150ft ROW) along its Hobson Pk frontage.
3. Scarify and berm the abandoned old OHB intersection with OHB/ Hobson Pk when constructing the proposed access road at OHB/Hobson Pk and construct the stub street connection with the old OHB road alignment concurrently with intersection improvements.



Metro Planning Commission Meeting of 5/13/04

4. Conduct annual traffic counts at the access road and OHB/Hobson pk intersection and submit signal warrant analysis to metro traffic engineer for signal approval. The developer shall submit signal plans for approval and install signal when justified.
5. The TIS for this project has identified that a 2nd eastbound and westbound travel lane for 500 ft on each side of the Hobson pk/Murfreesboro intersection is necessary to improve traffic flow at this intersection. The TIS recommended that \$10,000 be contributed as a pro-rata share toward the cost of these improvements. The developer shall contribute \$10,000 for signal modifications to be identified by metro for this intersection.

Plan comments:

The plan shall identify phase 1 limits, ROW dedication, left turn lane and transition on Hobson pk, and 2 exit lanes and 1 entry lane for project access road.

CONDITIONS

1. Plans will be submitted showing only Phase 1 of the development.
2. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.

Ms. Fuller presented and stated that staff is recommending approval.

Mr. David Johnson, 5540 Murphywood Crossing, spoke in opposition due to the long-term impact it would have on his community as well as the additional traffic it would generate. He stated that he had a petition of opposition.

Ms. Janie McKenny, 3613 Long Haven, spoke in opposition due to the already overcrowded schools and the increase in traffic flow to the area.

Mr. Tom White, legal advisor, spoke in favor of the development. He indicated that this is a preliminary plat and not a zone change request. He stated that his client has met all of the requirements and conditions placed on this proposal. Mr. White stated that the developer will continue to meet with the community to address the additional concerns they may have regarding this development.

Councilmember Coleman submitted a note from Al Bender. Mr. Bender was unable to attend the meeting and asked Councilmember Coleman to present his note of opposition for the development.

Councilmember Coleman spoke of increased traffic and overcrowded schools and their relations to this proposal. He suggested that the expiration dates of subdivision plats be reviewed to eliminate the situations he is faced with regarding development and the infrastructure of his district.

Mr. Bernhardt announced that this development did require the donation of a 10 acre school site and that the School Board has worked this out with the developer and it will be a part of this development at a later date.

Mr. Mclean moved and Mr. Loring seconded the motion, which passed unanimously, to approve staff recommendation of Subdivision No. 2004S-104G-13. **(6-0)**

Mr. Small expressed his concerns regarding moving forward on approving preliminary plans with the caveat that it is based on the developer and the community working together to reach a consensus of what is appropriate to the area and that the issues may not be heard again at the final plat approval.

Resolution No. 2004 –140

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-104G-13 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:



Metro Planning Commission Meeting of 5/13/04

1. Construct 2 exiting lanes and 1 entering lane for the project access road at OHB/Hobson Pk intersection. Both 12 ft wide exiting turn lanes shall have 150 ft storage length and transition per AASHTO standards.
2. Construct an eastbound left turn lane with 150 ft of storage and transition per AASHTO standards on OHB/Hobson pk at the project access road. The developer shall dedicate and/ or reserve 1/2 of the ROW for a S4 arterial (1/2 of 150ft ROW) along its Hobson Pk frontage.
3. Scarify and berm the abandoned old OHB intersection with OHB/ Hobson Pk when constructing the proposed access road at OHB/Hobson Pk and construct the stub street connection with the old OHB road alignment concurrently with intersection improvements.
4. Conduct annual traffic counts at the access road and OHB/Hobson pk intersection and submit signal warrant analysis to metro traffic engineer for signal approval. The developer shall submit signal plans for approval and install signal when justified.
5. The TIS for this project has identified that a 2nd eastbound and westbound travel lane for 500 ft on each side of the Hobson pk/Murfreesboro intersection is necessary to improve traffic flow at this intersection. The TIS recommended that \$10,000 be contributed as a pro-rata share toward the cost of these improvements. The developer shall contribute \$10,000 for signal modifications to be identified by metro for this intersection.
6. Plans will be submitted showing only Phase 1 of the development.
7. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department shall be completed or bonded with the appropriate performance agreement.”

- 18. 2004S-139G-04**
Margaret Heights Subdivision, Section Two
Map 63, Parcels 101, 256 & 258
Subarea 4 (1998)
District 9 (Forkum)

A request for preliminary approval for 4 lots abutting the south side of Hudson Road (6.84 acres), classified within the RS40 district, requested by Margaret Dillard, owner, Dale & Associates, surveyor.

Staff Recommendation - *Approve with conditions*, including submission of a revised preliminary plat prior to May 13, 2004.

APPLICANT REQUEST

Preliminary Plat - Subdivide 6.84 acres into 4 lots on the south side of Hudson Road, replacing 3 existing parcels. This plat will result one additional building site.

ZONING

RS40 District - RS40 district allows single-family lots and requires a minimum lot size of 40,000 square feet.

SUBDIVISION DETAILS - An existing home exists on proposed lot 1.

The land use policy in the area is RLM and borders Interim Non-Urban. In August 2001, Dillard Hill Estates was created by deed and included 6 total lots. Five of the six lots did not have public street frontage. The development appears to comply with the process for creating a subdivision with private streets in the Natural Conservation Policy, except that this land is classified RLM where this is not typically permitted. Six tracts were created and 3 of the tracts currently have new homes located on them. One tract has a cell tower. The driveway, or private street, is paved and there is a joint maintenance agreement involving all users of the drive.



Metro Planning Commission Meeting of 5/13/04

The two proposed flag lots (lots 3 and 4) encompass Tract Two of Dillard Hill Estates. They will receive utilities from Hudson Road but will be required to use the existing access drive. Lots 3 and 4 will also be required to sign on to the joint maintenance agreement. Flag lots are generally not permitted but in this case are necessary to comply with the lot frontage requirement of the Subdivision Regulations. Lots 1 and 2 have been altered minimally to allow lots 3 and 4 access to Hudson Road.

PUBLIC WORKS - If access is intended to be directly to Hudson Road, then the driveways for lots 1, 3 and 4 would be too close together. If access to Lots 3 and 4 is intended to be via the shared private ingress/egress easement, then that private road should meet the standards described in the Metro Subdivision Regulations.

Traffic Comments: Access to lots 3 and 4 are to be utilized through the shared private ingress/egress easement. No additional drive will be permitted on Hudson Road

CONDITIONS

1. A revised plat shall be submitted prior to final plat approval showing the following:
 - A vicinity map
 - Add the FEMA map information (Map 0231 F Effective 4/20/01).
 - Add the plat purpose note.
 - Use the standard 78-840 note, "Any excavation, fill or disturbance of the existing ground elevations must be done in accordance with stormwater management ordinance 78-840 and approved by the Metropolitan Department of Water Services.
 - Add the subdivision number 2004S-139G-04.
2. A revised joint maintenance agreement for the ingress/egress easement will be recorded in conjunction with the recording of the final plat.
3. Road must be brought up to minimum standards, as outlined in the Subdivision Regulations, if not already in place.

Approved with conditions **(9-0)**, *Consent Agenda*

Resolution No. 2004 –141

"BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-139G-04 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A revised plat shall be submitted prior to final plat approval showing the following:
 - A vicinity map
 - Add the FEMA map information (Map 0231 F Effective 4/20/01).
 - Add the plat purpose note.
 - Use the standard 78-840 note, "Any excavation, fill or disturbance of the existing ground elevations must be done in accordance with stormwater management ordinance 78-840 and approved by the Metropolitan Department of Water Services.
 - Add the subdivision number 2004S-139G-04.
2. A revised joint maintenance agreement for the ingress/egress easement will be recorded in conjunction with the recording of the final plat.
3. Road must be brought up to minimum standards, as outlined in the Subdivision Regulations, if not already in place."



Metro Planning Commission Meeting of 5/13/04

Map 52-05, Parcels 183,184 &186
Subarea 4 (1998)
District 4 (Forkum)

A request for preliminary plat approval for 15 lots abutting the south side of Rothwood Avenue and the north side of Idlewild Avenue (3.51 acres), classified within RS10 district, requested by James Dillard, applicant for Marjorie E. Long Trust, owner, Dale & Associates, surveyor.

Staff Recommendation - *Approve with conditions*, but disapprove sidewalk variance on the opposite side of Rothwood Avenue.

APPLICANT REQUEST

Preliminary Plat - Subdivide 3.51 acres into 15 single-family lots along the south side of Rothwood Avenue, at the southern terminus of Neelys Chase Drive.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings at an overall density of 3.71 dwelling units per acre.

SUBDIVISION DETAILS - Since this is a cluster lot subdivision on a new road with an existing right-of-way, the lot comparability standards of the Subdivision Regulations were not used. The Subdivision Regulations exempt subdivision on new roads from the comparability analysis. Proposed lot sizes range from 5,145 square feet to 11,412 square feet.

Section 17.12.080 of the Zoning Code establishes the cluster lot standards. This section of the Code requires lots on an existing road to be 90% of zoning, or 9,000 square feet. However, the Planning Commission can allow smaller lots (down to 5,000 square feet in this case) if the lots on the opposite side are of similar size. The lots on the opposite side of the street are of similar size and the lots facing Lot #11-15 face Idlewild Drive. The Zoning Administrator also indicated that because the lots opposite Lot #11-15 face Idlewild Drive, the 90% rule would not apply.

History - On February 26, 2004, the Planning Commission approved the preliminary plat for the Rothwood Place subdivision, which was subdivided 1.2 acres into 4 lots along the south side of Rothwood Avenue. The current plat will supercede the previous plat, resubdivide that same property, and includes additional land area.

Sidewalks - Sidewalks are not required along Idlewild Drive since there are two existing homes that face this street, while approximately 600 feet of sidewalks are proposed along one side of Rothwood Avenue. This sidewalk will tie into the existing sidewalk. The applicant is requesting a sidewalk variance to build sidewalks on only one side of the extension of Rothwood Avenue since sidewalks only exist on one side of Rothwood currently, and because the existing PUD across the street does not have any lots fronting this portion of the street.

Staff recommends disapproval of the sidewalk variance since there is no unique property hardship that would prevent the sidewalks from being constructed in the right-of-way.

STORMWATER - A Stormwater appeal was made by the applicant to allow the subdivision to place a drainage filter swale in a 10 foot easement within lots 1 and 3. A variance from the Metro Stormwater Committee is required since this drainage feature is not proposed within common open space. Staff recommends approval subject to the Stormwater Committee's approval of this appeal.

TRAFIC

Public Works Recommendation - No exception taken.

CONDITIONS

Staff recommends conditional approval of this preliminary plat, subject to the following conditions:



Metro Planning Commission Meeting of 5/13/04

1. NES approval shall be submitted prior to final plat recordation.
2. Prior to final plat approval, the plat must be revised to include sidewalks on both sides of the extension of Rothwood Avenue, unless the Planning Commission grants a variance.

Mr. Leeman presented and stated that staff is recommending approval with conditions, but disapproval of the sidewalk variance on the opposite side of Rothwood Avenue.

Mr. Bob Shumate, 353 Beech Avenue, spoke in opposition to the proposal.

Mr. James Dillard, applicant, spoke in favor of the development and requested that the sidewalk variance be granted. He stated he had received support from the neighbors affected by this development.

Mr. Clifton requested clarification on whether a treeline was considered a hardship and would warrant a variance.

Mr. Fox explained the subdivision regulations regarding "unique hardships".

The Commission discussed their options regarding granting this variance and their past sidewalk variance requests.

Mr. McLean moved, and Mr. Loring seconded the motion, which passed unanimously, to approve with conditions, Subdivision No. 2004S-140G-04 and to approve the sidewalk variance on the northeast side of the street with reduced pavement width to 23 feet. **(6-0)**

Resolution No. 2004 –142

"BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-140G-04 is **APPROVED WITH CONDITIONS, and approved sidewalk variance on the northeast side of the street; approved reduced pavement width to 23 feet.**

Conditions of Approval:

1. NES approval shall be submitted prior to final plat recordation.
2. Prior to final plat approval, the plat must be revised to include sidewalks on both sides of the extension of Rothwood Avenue, unless the Planning Commission grants a variance."

XII. FINAL PLATS

- 20. 2004S-092A-07**
 West Meade Farms
 Map 129-03, Parcel 38
 Subarea 7 (2000)
 District 23 (Whitson)

A request for final plat approval to amend the front setback from 225 feet to 180 feet abutting the west side of Brooks Hollow Road (1.84 acres), classified within RS80 district, requested by Eric Bowles, owner, Brad Bolton, applicant.

The Metropolitan Planning Commission DEFERRED Final Plat No. 2004S-092A-07 to June 10, 2004. (9-0)

- 21. 2004S-122G-04**
 Montague Park, Resubdivision of Lot 2 and Portion of Lot 3
 Map 52-09, Parcel 78
 Subarea 4 (1998)
 District 4 (Craddock)



Metro Planning Commission Meeting of 5/13/04

A request for final plat approval for final plat approval to create 2 lots, a sidewalk variance along Grapevine for the newly created lot, a waiver of the lot comparability requirements, and approval to deviate from standard right-of-way requirements, located on the corner of Grapevine Avenue and Due West Avenue (.46 acres) classified in the RS10 district, requested by Estella and Chris Pawlowski, owners and Complete Surveying Services, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - A request for final plat approval to create 2 lots on 0.46 acres, a sidewalk variance along Grapevine and Due West for the newly created lot, a waiver of the lot comparability requirements, and approval to deviate from standard right-of-way requirements, located on the corner of Grapevine Avenue and Due West Avenue.

ZONING

RS10 District - RS10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

SUBDIVISION DETAILS - Applicant wishes to split one residential lot into two lots. Originally there was not enough lot area to meet the 10,000 square foot minimum but applicant purchased additional property from the owner to the east.

Sidewalk Variance - Sidewalks are required along Due West and along Grapevine for proposed Lot 2 – B. Public Works finds no barriers to constructability. Applicant bases this request on the lack of sidewalks within ½ mile of the property, that there are no other sidewalks east of Gallatin Road and that a short section of sidewalk in a neighborhood where there are none would be aesthetically inconsistent and unpleasant.

Staff recommends disapproval of sidewalk variance requests that are based on lack of proximate sidewalks since there are no unique hardships that would prevent the sidewalks from being constructed.

Lot Comparability Waiver - Both proposed lots meet comparability for frontage on Grapevine Avenue and for frontage requirements on Due West. However, minimum lot size for proposed Lot 2-B on the corner of Due West and Grapevine fails lot area comparability for other lots on Due West. Comparability requires a minimum lot size of 15,214 square feet for Due West and proposed lot 2-B is only 10,031 square feet. The land use policy at this location is RLM – Residential Low-Medium density, with suggested densities of 2 to 4 dwelling units per acre.

The existing zoning, R10, and proposed lot sizes exceeding 10,000 square feet, qualify this proposal for a waiver of the lot comparability requirements at the discretion of the Planning Commission. Staff recommends approval of this request as in keeping with other lots in the area at the low end of the comparability range on both Grapevine and the north side of Due West Avenue.

Right-of-way requirements - This portion of Grapevine Avenue was dedicated to provide access to two re-subdivided lots on the west side of Grapevine between Due West and the east/west section of Grapevine (Parcels 74 to 77). It is an un-maintained, 20-foot public right-of-way and is not shown on the Official Street and Alley Acceptance and Maintenance Map that was established by Council Bill #65-539. However, the minimum standard for a residential street is 46 feet of right-of-way. Public Works has requested that the applicant provide 13 feet of additional right-of-way.

The applicant purchased a seven-foot strip of land from Parcel 79 adjacent to the east to achieve the minimum 10,000 square foot lot area for the RS10 zone. This reduced Parcel 79's frontage to 93 feet. The minimum frontage on Due West, to meet lot comparability, is 91 feet. If the applicant was required to dedicate an additional 13 feet of right-of-way for widening of Grapevine Avenue and applicant purchased more land from Parcel 79, Parcel 79 would then fail lot comparability for frontage on Due West.

This section of un-maintained right-of-way currently provides access to four lots. Only two of those lots, Parcels 75 and 76 actually require access from the north-south portion of Grapevine Avenue. Parcels 78 and 89 front on Due West and the east-west portion of Grapevine Avenue, respectively. Because this proposed subdivision will not



Metro Planning Commission Meeting of 5/13/04

increase traffic or the number of lots served and will not inhibit access to any other properties, Planning Staff does not recommend the request for dedication of 13 feet of additional right-of-way be made a condition of approval.

Traffic

Metro Public Works Recommendation - No exception taken. This applies to traffic considerations only.

1. Applicant shall dedicate 13 feet of additional right-of-way for Grapevine Avenue on proposed Lots 2-A and 2-B from Due West Avenue to the south property line of proposed Lot 2-A.
2. Applicant shall construct Grapevine Avenue to current Metro standards.

If the Planning Commission imposes these condition(s), the Commission will also need to grant a Lot Comparability waiver for the revised Parcel 79 as the frontage would be reduced to 80 feet where lot comparability requires 91 feet.

CONDITIONS AND COMMENTS

1. Prior to recording, applicant shall re-submit the plat to include the new configuration of Parcel 79.
2. Note: The recommendations by Metro Public Works for Grapevine Avenue are not conditions for this final plat.

Mr. Kleinfelter presented and stated that staff is recommending approval with conditions.

Mr. Chris Pawlowski, 401 Grapevine, spoke in favor of the development and requested the sidewalk variance.

Mr. McLean requested clarification from Public Works regarding the right-of-way requirements.

Mr. Charles Hasty explained the right-of-way requirements to the Commission.

Mr. Loring expressed his concerns regarding the sidewalk requirements of this proposal.

Mr. McLean requested clarification on the right-of-way on Grapevine and Due West.

The Commission briefly discussed the sidewalk variance request for this development.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve staff recommendations, but to **grant** the sidewalk variance on Subdivision No. 2004S-092U-07. **(6-0)**

Resolution No. 2004 –143

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-122G-04 is **APPROVED WITH CONDITIONS, AND APPROVED SIDEWALK VARIANCE. (6-0)**

Conditions of Approval:

1. Prior to recording, applicant shall re-submit the plat to include the new configuration of Parcel 79.
2. Note: The recommendations by Metro Public Works for Grapevine Avenue are not conditions for this final plat.”

-
22. **2004S-132U-10**
Wallace Lane Crossing
Map 116-12, Parcel 131
Subarea 10 (1994)
District 34 (Williams)



Metro Planning Commission Meeting of 5/13/04

A request for final plat approval to create 3 lots abutting the south side of Abbott Martin Road and the west side of Wallace Lane, classified RS20, (1.61 acres), requested by Dale and Associates, surveyor, for The Wallace Land Trust, owner.

Staff Recommendation - *Approve with conditions*, including a lot comparability waiver

APPLICANT REQUEST

Final Plat - This request is to create 3 lots on 1.61 acres at the southwest corner of Abbott Martin Road and Wallace Lane.

ZONING

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. The maximum number of lots allowed with the RS20 zoning is 3 single-family lots.

SUBDIVISION DETAILS - The plan proposes two lots fronting on Wallace Lane and one lot fronting on Abbott Martin Road. The plat also proposes to keep the existing residence with an existing driveway on Abbott Martin Road on lot 1. Sidewalks are not required since the parcels are zoned RS20 and the lots are 20,000 square feet or greater. The lot sizes range from a little more than 20,000 to 30,000 square feet.

Lot Comparability - The lots failed comparability for square footage for all three lots. The lot comparability figure for square footage on Wallace Lane is 29,675, while the square footage for lot 2 is 20,083 and 20,039 for lot 3. The lot comparability figure for square footage on Abbott Martin Road is 50,148 while lot 3 is proposed for 30,144.

Staff recommends approval of a lot comparability waiver. Section 2-4.7(A) of the Subdivision Regulations state that the Planning Commission may waive lot comparability if “the proposed lot sizes are consistent with the adopted land use policy that applies to the property.” The policy in this area is Residential Low Medium (RLM) policy, which calls for two to four dwelling units per acre. This subdivision plat is consistent with the RLM policy in that three lots are proposed on 1.61 acres, which is within the density range of the land use policy designated for this area. It is also consistent with the character of the area, which is comprised of various types of residential development and lot sizes.

Setbacks - Staff recommends approval with a condition requiring the setbacks for Lots 2 and 3 to be consistent with the existing setbacks along the west side of Wallace Lane and the setback on the opposite side of Wallace Lane fronting Abbott Martin Road.

TRAFFIC

Public Works Recommendations

1. The radius of the driveway on Lot 1 encroaches on Lot 2. Should record an easement with the plat, unless the driveway is to be shared between Lots 1 and 2.
2. No access for Lot 2 to Abbott Martin Road, unless it is to share the existing driveway with Lot 1.
3. Driveways for lots 2 and 3 shall access Wallace Lane.

The applicant has added a note to the plat stating that driveways for Lot 2 and 3 shall access Wallace Lane.

CONDITIONS

1. Prior to final plat recordation, Note #6 must be changed to say: “The front setbacks for Lot 2 and 3 shall be 60 feet, the side setback along Abbott Martin Road shall be 60 feet, and all other setbacks shall be in compliance with the Metro Zoning Code.”
2. An easement shall be recorded at the time of final plat recordation if lots 1 and 2 are not to share the existing driveway.



Metro Planning Commission Meeting of 5/13/04

Ms Harris presented and stated that staff is recommending approval with conditions as well as including a lot comparability waiver.

Mr. Small requested clarification on the setbacks required in this proposal.

Ms. Harris explained the setbacks for this development to the Commission.

Mr. McLean also requested clarification regarding the setback requirements on this development.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve staff recommendation of Subdivision No. 2004S-132U-10. **(6-0)**

Resolution No. 2004 –144

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-132U-10 is **APPROVED WITH CONDITIONS, but revised condition #1 to state that setbacks must be consistent with setbacks in the area.**

Conditions of Approval:

1. Prior to final plat recordation, Note #6 must be changed to say: “The front setbacks for Lot 2 and 3 shall be 60 feet, the side setback along Abbott Martin Road shall be 60 feet, and all other setbacks shall be in compliance with the Metro Zoning Code.”
2. An easement shall be recorded at the time of final plat recordation if lots 1 and 2 are not to share the existing driveway.”

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- 23. 2004S-133U-03**
 Dylan Downs
 Map 71-01, Parcel 47
 Subarea 3 (1998)
 District 2 (Isabel)

A request for final plat approval to create 2 lots from one parcel, located abutting the north side of Yokley Road, approximately 300 feet west of Old Matthews Road (.34 acres), located in the RS7.5 district, requested by DY Properties, II, LLC, owner and Dale & Associates, Surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat No. 2004S-133U-03 to May 27, 2004. (9-0)

-
- 24. 2004S-136G-04**
 Rippetoe Subdivision, Resubdivision of Lot 1
 Map 41-12, Parcel 143
 Subarea 4 (1998)
 District 3 (Hughes)

A request for final plat approval to subdivide one lot into three lots abutting the southwest corner of Darbytown Drive and Dickerson Pike (2.37 acres), classified CS district, requested by M. D. Rippetor et ux and C. H. Evilcizer et ux, owners/developers, Dale & Associates, surveyor.

Staff Recommendation - Approval with conditions

APPLICANT REQUEST

Final Plat - Subdivide one commercial lot into three lots, located on the southwest corner of the intersection of Darbytown Road and Dickerson Pike.

ZONING



Metro Planning Commission Meeting of 5/13/04

CS District - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light-manufacturing and small warehouse uses.

DETAILS

Sidewalks - Sidewalks were not required on any of the lots since there is an existing building on each lot. The purpose of the plat is to allow the three existing buildings to be on individual lots.

PUBLIC WORKS RECOMMENDATION - No additional curb cuts are recommended on Dickerson Pike.

CONDITIONS

1. No additional curb cuts are allowed on Dickerson Pike.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 -145

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-136G-04 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. No additional curb cuts are allowed on Dickerson Pike.”

- 25. **2004S-141G-12**
Indian Creek Estates, Section 2, 1st revision
Map 181-03-A, Parcels 83-88
Subarea 12 (1997)
District 31 (Toler)

A request for final plat approval for a sidewalk variance on Tee Pee Court that will revise 6 lots of a previously approved final plat, located west of Tuckaleechee Lane, (1.22 acres) classified in the R20 and Residential PUD districts, requested by Gregory Perone, Trustee on behalf of Donald and Patricia Williams, Judy Cunningham, Catherine Warwick, Thomas and Dianne Webster, Thomas and Elaine Anthony, William Brewington, owners, Barge, Waggoner, Sumner and Cannon, surveyor.

Staff Recommendation - *Approve*

APPLICANT REQUEST

Final Plat - Request for relief from the sidewalk requirement on one side of Tee Pee Court. The final plat for this section was recorded in 1999, and showed a sidewalk on one side of the cul-de-sac.

SUBDIVISION DETAILS - A sidewalk is currently built on Tee Pee Court but was constructed under the old sidewalk standards. The sidewalk has not been accepted by Public Works and does not meet the Americans with Disabilities Act (ADA) guidelines. The driveways along Tee Pee Court currently slope away from the right-of-way. The removal and replacement of the sidewalk to meet current guidelines will result in the existing driveways being removed and re-graded well into the lots.

PUBLIC WORKS RECOMMENDATION - According to the set of construction plans stamped "approved" 01-07-98, the details for the sidewalks and the curb ramps are non-compliant by today's standards. The sidewalk detail indicates only a minimum cross-slope of 1/4" per foot, with no maximum slope shown. The detail for the curb ramps show the 3 foot wide ramp with a 1:12 slope as opposed to the 1/8" per foot as required by ADA today.

PLANNING STAFF RECOMMENDATION - In 1998, when this was approved, sidewalks were not required on permanent dead-end streets less than 300 feet in length. Tee Pee Trace is approximately 180 feet in length and a



Metro Planning Commission Meeting of 5/13/04

sidewalk was not a requirement of the regulations in place at the time of approval. The sidewalk appears to be constructed similarly to the construction plans approved in 1998. The developer appeared to be complying with the rules in place at the time of approval. Since there is an issue of liability to Metro for the acceptance of a non-ADA compliant sidewalk, the entire sidewalk may be removed since it was not a technical requirement at the time of PUD or construction plan approval.

CONDITIONS

1. A revised plat shall be resubmitted showing only the affected lots.
2. The revised plat shall show current stormwater notes, pipes, drainage easements and detention agreement recording information.
3. The final plat shall be signed by all affected property owners.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 -146

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-141G-12 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. A revised plat shall be resubmitted showing only the affected lots.
2. The revised plat shall show current stormwater notes, pipes, drainage easements and detention agreement recording information.
3. The final plat shall be signed by all affected property owners.”

-
- 26. 2004S-142G-12**
 Indian Creek Estates, Section 3, 1st revision
 Map 181-03-A, Parcels 167-176
 Subarea 12 (1997)
 District 31 (Toler)

A request for final plat approval for a sidewalk variance on Cheoah Court that will revise 10 lots of a previously approved final plat, located south of Santeelah Way, (1.92 acres) classified in the R20 and Residential PUD districts, requested by Gregory Perone, Trustee on behalf of Vicki Lepley, Deborah Myers, Gail Hudgins, Lehte and Jerry Scobee, Dan and Suzzane Skinner, Debra Schreiner, Wendyll and Srry Carr, Mary Dettman, Patricia Carter and Norma Hyde, owners, Barge, Waggoner, Sumner and Cannon, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST

Final Plat - Request for relief from the sidewalk requirement on one side of Cheoah Court. A petition has been submitted from the homeowners of Cheoah Court endorsing the relief request.

SUBDIVISION DETAILS - No sidewalk has been constructed on Cheoah Court. The applicant states that construction of a sidewalk now will involve disrupting landscaping and plantings of individual homeowners.

PUBLIC WORKS RECOMMENDATION - According to the set of construction plans stamped "approved" 01-07-98, the details for the sidewalks and the curb ramps are non-compliant by today's standards. The sidewalk detail indicates only a minimum cross-slope of 1/4" per foot, with no maximum slope shown. The detail for the curb ramps show the 3-foot wide ramp with a 1:12 slope as opposed to the 1/8" per foot as required by ADA today.



Metro Planning Commission Meeting of 5/13/04

PLANNING STAFF RECOMMENDATION - In 1998, when this plat was approved, sidewalks were not required on permanent dead-end streets of less than 300 feet. Cheoah Court is approximately 240 feet in length, so sidewalks were not a requirement of any regulation at the time of approval. Staff recommends approval of the request to remove the sidewalk.

CONDITIONS

1. A revised plat shall be resubmitted showing only the affected lots.
2. The revised plat shall show current stormwater notes, pipes, drainage easements and detention agreement recording information.
3. The final plat shall be signed by all affected property owners.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –147

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-142G-12 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. A revised plat shall be resubmitted showing only the affected lots.
2. The revised plat shall show current stormwater notes, pipes, drainage easements and detention agreement recording information.
3. The final plat shall be signed by all affected property owners.”

XIII. PLANNED UNIT DEVELOPMENTS (revisions)

27. **154-73-G-14**
Hermitage Woods, Section 4
Map 86, Parcel 167
Subarea 14 (1996)
District 12 (Gotto)

A request to cancel an undeveloped portion of a Residential Planned Unit Development District approved for 130 multi-family units, located near the west side of Tulip Grove Road, north of Central Pike, classified RM15, (23.95 acres), requested by MEC, Inc. for D.R. Pirtle, et al.

Staff Recommendation -*Approve*

APPLICANT REQUEST

Cancel PUD - A request to cancel a portion of the Hermitage Woods Planned Unit Development located along the west side of Tulip Grove Road, south of Rockwood Drive and approximately 800 feet north of Central Pike. This portion, Section 4, is a multi-family portion of the PUD approved for 130 units.

DETAILS OF REQUEST

History -The approved preliminary PUD plan is a large PUD plan that allowed for the development of single-family, duplex, and multi-family housing on large tracts that abut Central Pike, Old Hickory Boulevard, and Rockwood Drive. This section of the PUD, which has remained vacant, is currently approved for 130 multi-family units. This section of the Hermitage Woods PUD is one of the only undeveloped sections remaining.

Subarea 14 Plan Policy - The subject site is located within Residential Medium-High (RMH) calling for 9 to 20 dwelling units per acre, and Residential Low-Medium (RLM), calling for 2 to 4 dwelling units per acre, land use policies of the Subarea 14 Plan. The RLM portion is a small sliver of the property in the northeast corner nearest of the Tulip Grove Road and Rockwood Drive intersection. The remaining portion falls under the RMH policy. The underlying RM15 base zoning is consistent with the RMH policy.



Metro Planning Commission Meeting of 5/13/04

Future Development - Future development of this site should consider accessing the site from the existing stub-street connection located in the northwest corner of the site off of Rockwood Drive. The stub-street connection off of Tulip Grove Road has significant site visibility issues with vehicles potentially entering / exiting the site at the bottom of the hill.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –148

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 154-83-G-14 is **APPROVED. (9-0)**”

28. **18-84-U-10**
 Burton Hills PUD (Covenant Presbyterian Church)
 Map 131-06A, Parcel 11 CO
 Subarea 10 (1994)
 District 25 (Shulman)

A request to revise a condition of approval that was part of the preliminary plan and final approval for a portion of the Residential Planned Unit Development district located abutting the east margin of Hillsboro Pike and the north side of Harding Place, classified R15, (15.4 acres) to allow the access driveway on Harding Place to be used at all times, replacing the existing condition requiring a locked and gated ingress/egress on Harding Place during the week, except for church services and functions, requested by Planning Department staff.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise PUD Condition - Request to revise a condition adopted by the Planning Commission limiting access through the Harding Place ingress/egress.

PUD PLAN DETAILS - This proposal revises a condition of the PUD that was adopted in February 2001, when the Covenant Presbyterian Church site was revised to include a private elementary school use. When the Commission approved that revision, the following condition was adopted:

Old Condition

1. Prior to the issuance of a use and occupancy permit for the elementary school, a locked and gated ingress/egress on Harding Place shall be installed. This gate shall be locked at all times, except during church related services or functions.

History - Over the past several years, the Planning Department has requested that the Burton Hills Homeowner’s Association, Covenant Presbyterian Church, and any affected parties continue to negotiate a solution to several problems that have arisen regarding the wording of the condition.

2004 Revised Condition - Due to the willingness of the Church to address lighting and other issues to the satisfaction of the affected neighbors and the neighborhood association, the Planning Commission is being asked to revise the approved condition as follows:

1. The Harding Place ingress/egress gate shall be allowed to remain open between sunrise and sunset, and when church services or functions are being held.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –149



Metro Planning Commission Meeting of 5/13/04

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 18-84-U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The Harding Place ingress/egress gate shall be allowed to remain open between sunrise and sunset, and when church services or functions are being held.”

29. **85-85-P-12**
Brentwood Commons
Map 160, Parcel 210 & 211
Subarea 12 (1997)
District 31 (Toler)

A request for final approval for a portion of the Commercial Planned Unit Development located abutting the north side of Old Hickory Boulevard and the north terminus of Brentwood Commons Way, classified OL and CL, (4.32 acres), to permit vehicular access to Brentwood Commons Way from the adjoining Commercial Planned Unit Development (94P-009U-12), requested by Gresham-Smith & Partners for American General, owner. (See PUD Proposal No. 94P-009U-12 below).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Final PUD - Request for final PUD approval to allow for the extension of Brentwood Commons Way, a permanent cul-de-sac that extends north off Old Hickory Boulevard, west of the American General facility, so as to provide an additional point of connectivity between the Brentwood Properties PUD, Brentwood Commons PUD, and Old Hickory Boulevard.

PLAN DETAILS - The proposed revision extends Brentwood Commons Way to the north and west to allow for an additional point of ingress and egress to the adjacent PUD. Staff recommends approval since it is consistent with the revision that was approved by the Planning Commission on November 13, 2003. This connection would assist in easing traffic impacts on Franklin Pike Circle, regardless of what ultimately is constructed on the Brentwood Properties PUD (94P-009U-12). The Brentwood Properties PUD is on this same agenda also for final PUD approval to allow for the development of 172,000 square feet of retail, restaurant, and office.

METRO PUBLIC WORKS RECOMMENDATION

“We have been unable to identify any previous conditions that would disallow the road connection with the adjacent Brentwood Hills PUD. We will approve a connection between these two sites. We will not approve the traffic signal without warrant analysis documentation justifying the signal installation.”

CONDITIONS

1. A new traffic signal shall not be installed at this new intersection unless and until a traffic signal analysis has been completed and approved by Metro Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.



Metro Planning Commission Meeting of 5/13/04

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

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –150

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 85-85-P-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A new traffic signal shall not be installed at this new intersection unless and until a traffic signal analysis has been completed and approved by Metro Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

30. **94P-009U-12**
 Brentwood Properties Commercial PUD
 (The Shoppes of Brentwood Hills)
 Map 160, Parcel 54
 Map 169, Parcel 223
 Subarea 12 (1997)
 District 31 (Toler)

A request for final approval for the undeveloped Planned Unit Development located abutting the north side of Old Hickory Boulevard at Franklin Pike Circle, classified CL, (14.42 acres), to permit the development of 167,117 square feet of retail, 8,000 square feet of office and a 5,400 square foot restaurant, requested by Gresham-Smith & Partners for GBT Realty Corporation and Richard M. Speer, owners. (See PUD Proposal No. 85-85-P-12 above).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Request for final Planned Unit Development approval to allow for the development of 172,517 square feet of retail anchor, retail strip shops, restaurant, and office. This PUD plan, approved as an amendment to the previous Council-approved plan, was adopted by Metro Council on April 20, 2004 (BL2003-077). The property is located along the north side of Old Hickory Boulevard and along the east side of Franklin Pike Circle, east of Interstate 65.

PLAN DETAILS



Metro Planning Commission Meeting of 5/13/04

Site Plan - The preliminary master plan proposes a 124,717-square foot anchor retail store that is located to the rear (north) of the property. Extending to the west and south of the anchor store, in an L-shape, is 42,400 square feet of strip retail – of which 8,000 square feet is proposed for office. Additionally, there is one out-parcel along Old Hickory Boulevard that is proposed for 5,400 square feet of restaurant.

Site Access - Access to the site is provided from Old Hickory Boulevard via one ingress/egress point, from Franklin Pike Circle via one ingress/egress, and then also from Brentwood Commons Way where the applicant is proposing to extend the cul-de-sac adjacent to AIG to provide additional connectivity. The request to extend Brentwood Commons Way was requested as part of this PUD plan's request to amend the PUD. Both were heard before the Metro Planning Commission on November 13, 2003 (85-85-P-12).

RECENT ACTIONS / CHANGES AT METRO COUNCIL LEVEL

While the request to amend the Brentwood Properties PUD was in the Council approval process, two amendments to the ordinance / PUD plan were adopted by the Metro Council.

1. Amendment #1 substituted the plan that limited vehicular access to Franklin Pike Circle for the plan previously reviewed by the Planning Commission. The Franklin Pike Circle ingress/egress point was revised to only allow right-in traffic coming from Old Hickory Boulevard and left-only traffic leaving the site – essentially forcing traffic back up to the Old Hickory Boulevard intersection. Amendment #1 also deleted Section 3, in its entirety, from the ordinance. That placed fifteen traffic conditions on the project that were generated from a review of the required Traffic Impact Study.
2. Amendment #2 approved the following requirement: *“GBT Realty and Development will make improvements to increase pedestrian safety for the benefit of Franklin Pike Circle at this retail site but not be limited to the following: sidewalks and bike paths, which improvements shall have a cost of at least fifty-thousand dollars (\$50,000). Improvements must be approved by Metro Government and the Council members from the 26th and 31st Districts.”*

METRO PUBLIC WORKS RECOMMENDATION

Metro Public Works provided comments and conditions based on the submitted Traffic Impact Study (TIS). They are as follows:

1. Restripe the southbound approach of Franklin Pike Circle at its intersection with Old Hickory Blvd. The restriping of this approach shall include 12 ft wide lanes for left, through and right turning movements.
2. Modify the traffic signal at Old Hickory Blvd. and Franklin Pike Circle to provide a southbound right turn overlap phase and a southbound left turn phase that operates concurrently with the northbound left turn signal phase.
3. Provide pedestrian crosswalks, signals and pushbuttons for the north, south and east legs of the Old Hickory Blvd. and Franklin Pike Circle intersection per Metro's ADA standards. Crosswalks are to be painted with thermoplastic paint.
4. Extend the existing eastbound left turn lane on Old Hickory Blvd. at Franklin Pike Circle. This left turn lane shall include 300ft of storage. The transition for this turn lane shall be designed per AASHTO standards.
5. Construct a sidewalk along the frontage of the proposed project site on Franklin Pike Circle.
6. Provide an internal pedestrian connection between the project site and the existing Holiday Inn and MTA bus stop adjacent to this PUD. A vehicular connection at this location shall be allowed with appropriate amendment of the adjacent PUD plan.
7. Provide a northbound 12 ft wide right turn lane on Franklin Pike Circle at the main project driveway. This turn lane shall include a minimum of 100ft. of storage. A smooth driving path through the curve shall be



Metro Planning Commission Meeting of 5/13/04

- provided. This right turn lane shall be designed per AASHTO standards. The turn lane may need to be extended to Old Hickory Blvd to accommodate a smooth driving pattern.
8. Provide a right in/right out only 24 ft wide site access driveway off Old Hickory Blvd. without a raised concrete island. No median cut shall be allowed on Old Hickory Blvd. at this location. Construct a 12 ft wide westbound right turn lane on Old Hickory Blvd. with 100ft of storage at this intersection. The transition for this turn lane shall be designed per AASHTO standards.
 9. Extend the existing eastbound left turn lane on Old Hickory Blvd. at the Brentwood Commons Drive. This left turn lane shall include 250' of storage with transition designed per AASHTO standards.
 10. Modify the traffic signal at the intersection of Old Hickory Blvd. and Brentwood Commons Drive to include a southbound right turn overlap phase.
 11. No traffic signal shall be installed at the access drive and Brentwood Commons unless justified by warrant analysis.
 12. Provide adequate parking per Metro zoning ordinance.
 13. Design southbound left turn lane on Old Franklin Pike Circle at Old Hickory Blvd. to allow a smooth driving pattern for southbound through movement traffic.
 14. Provide 100ft throat at access drives in order to minimize conflict between internal site traffic and vehicles entering and exiting site.
 15. Install a southbound left turn lane with 75' of storage with transition per AASHTO standards on Franklin Pike Circle at project entrance.

CONDITIONS

1. Evergreen trees (whether hardwood or softwood) of a greater maturity and greater caliper than the minimum required by the Metro Zoning Code shall be installed along the north property line to increase buffering to the residential area to the north of the property. These trees shall be in addition to the minimum Code requirements for buffering and screening. A supplemental planting plan shall be submitted to the Urban Forester and Metro Planning Department for review and approval prior to the issuance of any building permits.
2. Additional plantings, above the minimum Code requirements for buffering and screening, shall be provided along the slope and buffer area between the project site and Franklin Pike Circle roadway frontage in the northwest corner of the site. These additional plantings shall be delineated and noted on the above-mentioned supplemental planting plan.
3. Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department, except those that directly conflict with the Council approved plan, shall be completed or bonded with the appropriate performance agreement. This also includes the Council approved \$50,000 bicycle and pedestrian improvements, as amended into the Council Bill.
4. Pursuant to Amendment #2 to the PUD ordinance, the applicant shall submit, for review and approval prior to final plat recordation, a Pedestrian & Bicycle Improvement Plan. This plan shall be submitted to the Planning Department, with copies of the plan sent to the 26th and 31st district Councilmembers.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.



Metro Planning Commission Meeting of 5/13/04

6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
7. 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 Planning Commission.
8. These plans as approved by the Metro Council 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 and possibly the Metro Council.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –151

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 94P-009U-12 is **APPROVED WITH CONDITIONS, but strike conditions #1, 2, 3, and 4.**

Conditions of Approval:

1. ~~Evergreen trees (whether hardwood or softwood) of a greater maturity and greater caliper than the minimum required by the Metro Zoning Code shall be installed along the north property line to increase buffering to the residential area to the north of the property. These trees shall be in addition to the minimum Code requirements for buffering and screening. A supplemental planting plan shall be submitted to the Urban Forester and Metro Planning Department for review and approval prior to the issuance of any building permits.~~
2. ~~Additional plantings, above the minimum Code requirements for buffering and screening, shall be provided along the slope and buffer area between the project site and Franklin Pike Circle roadway frontage in the northwest corner of the site. These additional plantings shall be delineated and noted on the above-mentioned supplemental planting plan.~~
3. ~~Prior to final plat recordation, all traffic mitigation recommendations provided by the Public Works Department, except those that directly conflict with the Council approved plan, shall be completed or bonded with the appropriate performance agreement. This also includes the Council approved \$50,000 bicycle and pedestrian improvements, as amended into the Council Bill.~~
4. ~~Pursuant to Amendment #2 to the PUD ordinance, the applicant shall submit, for review and approval prior to final plat recordation, a Pedestrian & Bicycle Improvement Plan. This plan shall be submitted to the Planning Department, with copies of the plan sent to the 26th and 31st district Councilmembers.~~
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
7. 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 Planning Commission.
8. These plans as approved by the Metro Council will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant



Metro Planning Commission Meeting of 5/13/04

deviation from these plans will require reapproval by the Planning Commission and possibly the Metro Council.”

31. 84-87-P-13

The Crossings at Hickory Hollow Commercial PUD
Map 163, Parcel 387 and Portion of Parcel 361
Subarea 13 (2003)
District 32 (Coleman)

A request for a revision to the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located abutting the south side of Mt. View Parkway and north of Crossings Place, classified R10, (0.56 acres), to permit a 2,645 square foot car wash, requested by Wamble & Associates, PLLC, for Chris Chung, owner.

Mr. Mitchell presented and stated that staff is recommending approval with conditions.

Councilmember Coleman requested to defer this proposal for two meetings in order to allow time to study the traffic impact of this proposal and to meet with the community to discuss the development.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to defer Planned Unit Development No. 84-87-P-13 until June 10, 2004 in order to allow time to assess the impact of this change to the PUD, with the community. **(6-0)**

Mr. Clifton expressed concerns regarding the deferral of this item and the fact that the development is not a council issue. He stated that the Planned Unit Development is an actual downsize of what the developer can actually place on the parcel.

Mr. Fox requested that the motion include the reason for the deferral of this proposal.

Mr. Small also expressed his concerns regarding deferral of the development and that it is a routine change and not a matter for the council.

Chairman Lawson stated he was in favor of deferring the item to allow the Councilmember to meet with the community to discuss the changes of this development.

Mr. Loring agreed with idea of deferring this item for two meetings in order to allow the Councilmember to meet with his community.

The Metropolitan Planning Commission DEFERRED PUD No. 84-87-P-13 to the June 10, 2004 meeting.

32. 2004P-011U-08

Germantown Partners Beer PUD (Beer License Distance Exemption PUD)
Map 82-09, Parcel 281
Subarea 8 (2002)
District 19 (Wallace)

A request for preliminary and final approval for a Planned Unit Development located at the northwest corner of Madison Street and 5th Avenue North, classified MUN, (.29 acres), to permit an existing restaurant an exemption from the minimum distance requirement included in the beer provisions of the Metro Code, requested by Civil-Site Design Group, PLLC, for Germantown Partners, LLC, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary & Final PUD-Request for preliminary and final PUD approval to allow for a distance exemption from the beer licensure requirements for a proposed restaurant that is to be located at 1201 5th Avenue North. The property is located at the northwest corner of 5th Avenue North and Madison Street.



Metro Planning Commission Meeting of 5/13/04

Reason for Request - Per Metro Ordinance BL2003-1353, restaurants that have already obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempted from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

EXISTING ZONING

MUN district - Mixed-Use Neighborhood is intended for a low intensity mixture of residential, retail, restaurant, and office uses.

Although a restaurant is a permitted use by right within the MUN district, the intent of this PUD is to provide the Metro Council the ability to review the request and allow an exemption from the distance requirements from certain uses as required in order to obtain a license to sell beer on premise.

PLAN DETAILS - The plan proposes to add 2,003 square feet of floor area to 1,477 square feet of existing floor area to allow for the development of a new restaurant and bar with outdoor seating and an associated office. All parking is proposed to the rear of the building and will be accessed via the alley off of Madison Street. By utilizing Urban Zoning Overlay (UZO), parking exemptions, and on-street parking, the project successfully meets all parking requirements of the Metro Code.

METRO PUBLIC WORKS FINDINGS - No Exceptions Taken

RECOMMENDATION - Staff recommends approval of the request to establish a commercial PUD over the property that is currently zoned MUN district. This property is located within Subarea 8 and is designated as Mixed Use in Neighborhood Urban under the Germantown Detailed Land Use Plan. The Neighborhood Urban land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially-supportive uses.

CONDITIONS - 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 before the issuance of any building permits.

The Metropolitan Planning Commission DEFERRED Planned Unit Development No. 2004P-011U-08 indefinitely. (9-0)

XIV. MANDATORY REFERRALS

33. **2004M-033U-09**
Aerial encroachment: Awning for The Drunken Fish
Map 93-062, Parcel 53
Subarea 9 (1997)
District 6 (Jameson)

A request for an aerial encroachment in the public right-of-way at 123 2nd Avenue North for an awning over an existing sidewalk, requested by Frank May, applicant for The Drunken Fish, applicant.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an aerial encroachment in the public R.O.W. at 123 2nd Avenue North for an awning over an existing sidewalk. The awning will be 14' 6" wide and encroach a maximum of three (3) feet into the public right-of-way a minimum of nine (9) feet above the existing sidewalk.



Metro Planning Commission Meeting of 5/13/04

Planning staff recommends approval, as the proposed awning will not interfere with access or circulation at or above street level.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Codes Administration, Emergency Communications Center, and NES.

The Metropolitan Planning Commission DEFERRED Mandatory Referral No. 2004M-033U-09 indefinitely. (9-0)

34. **2004M-034U-10**
 Alley closure: 8th Avenue South/Lynwood and Alloway
 Map 105-6, Parcels 168 and 169
 Subarea 10 (1994)
 District 17 (Greer)

A request to close an alley from the east side of 8th Avenue South to 140 feet east of 8th Avenue South between Lynwood and Alloway, requested by Kevin King, applicant for 1512 Company, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request to close an alley from the east margin of 8th Avenue South to 140 feet east of 8th Avenue South between Lynwood and Alloway, requested by Kevin King, applicant for 1512 Company, owner.

DEPARTMENT AND AGENCY COMMENTS - Both sides of this portion of the alley are owned by the applicant. The alley is not used for access to properties or structures. The surface is partial asphalt and gravel, is “unbuilt” and not maintained. Closure would eliminate a potential undesirable mid-block direct access to 8th Avenue South.

No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Emergency Communications Center, Codes Administration, and NES.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –152

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-034U-10 is **APPROVED. (9-0)**”

XV. OTHER BUSINESS

- 35. Planning Fee Study Recommendations
- 36. Executive Director Reports
- 37. Legislative Update

XVI. ADJOURNMENT

The meeting was adjourned at 8:10 pm.



Metro Planning Commission Meeting of 5/13/04



Chairman

Secretary