



**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 22, 2003

Time: 4:00 pm
Place: Howard School Building Auditorium

In Attendance:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Joe Sweat, representing Mayor Bill Purcell
Councilman John Summers
Victor Tyler

Staff Present:

David Kleinfelter, Planning Manager II
Bob Leeman, Planner III
Adriane Bond, Planner I
Kathryn Fuller, Planner II
Preston Mitchell, Planner II
Randy Reed, Planner I
Abby Scott, Planner I
Leslie Thompson, Office Support Rep II
Jerry Fawcett, Planning Manager III
Lee Jones, Planner I
Marie Cheek, Planner Technician I
Kim Karesh, Planner II

I. CALL TO ORDER

Meeting called to order at 4:10pm.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Sweat seconded the motion, which unanimously passed, to adopt agenda. **(10-0)**

III. APPROVAL OF APRIL 10, 2003 MINUTES

Commissioner McLean moved and Commissioner Nielson seconded the motion, which unanimously passed, to approve minutes. **(10-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Loring spoke in favor of Item 15 -- 2003Z-062U-10.

Councilmember Bogen spoke in favor of Item 17 -- 2003Z-065U-07;2003Z-072G-06

Councilmember Whitmore spoke in support of Item 38 -- 82-77-U-08.

Councilmember Williams was in attendance for Item 17 -- 2003Z-065U-07, and asked for disapproval of Item 20 -- 2003Z-068U-10.

Councilmember Turner, asked members of the audience interested in Item 15 -- 2003Z-062U-10 -- to meet with him in the hall outside the auditorium for a short meeting.

Councilmember Kerstetter requested 30 day deferral of Item 32 -- 2003S-117U-12, due to lack of communication between developer and community.

Councilmember Ponder spoke in favor of Item 12 -- 2003Z-058g-14, on consent agenda, and also in favor of Item 30 -- 2003S-036G-14.

Councilmember Hall spoke on behalf of constituents and neighborhood association regarding concerns about number of units and flooding issues, as well as the creation of a double frontage on Item 31 -- 2003S-089U-05.

V. OTHER BUSINESS

- a. Executive Director Reports
- b. Employee Contract for Patricia Brooks
Approved (10-0), Consent Agenda
- c. Legislative Update
- d. Election of Officers

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to re-elect Mr. Lawson as Chairman of the Planning Commission. (10-0)

Mr. Sweat moved and Ms. Nielson seconded the motion, which unanimously passed, to re-elect Mr. Small as Vice Chair of Planning Commission. (10-0)

Mr. Sweat moved and Ms. Nielson seconded the motion, which unanimously passed, to re-elect Ms. Nielson as representative of the Planning Commission to the Metro Historic Commission. (10-0)

Mr. Sweat moved and Ms. Nielson seconded the motion, which unanimously passed, to re-elect Chairman Lawson as Park Board representative. (10-0)

Mr. Summers moved and Mr. McLean seconded the motion, which unanimously passed, to re-elect Mr. Clifton as representative to Metropolitan Planning Organization. (10-0)

Mr. Sweat moved and Mr. McLean seconded the motion, which unanimously passed, to re-adopt rules of Metropolitan Planning Commission. (10-0)

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

Withdrawn:

- 19. 2003Z-067G-06 – RS80 & R40 to CS, River Road and Charlotte Pike.

Deferred to 6/12/03:

- 33. 2003S-118G-04 – Myatt Business Center (Odom Property)
- 42. 2002P-003U-03 – Park Preserve, Phases 1 and 3

Deferred to 6/26/03

- 4. 2003Z-051G-06 – CL to CS, Highway 100 (unnumbered)

Ms. Neilson moved and Ms. Jones seconded the motion, which passed unanimously, to close the public hearing and withdraw or defer the announced items. (10-0)

**VII. PUBLIC HEARING: CONSENT AGENDA
OTHER BUSINESS**

- b. Employee Contract for Patricia Brooks - Approve

**VIII. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

- 10. 2003Z-056U-13
- 11. 2003Z-057U-08
- 12. 2003Z-058G-14
- 13. 2003Z-059G-12
- 14. 2003Z-060U-05
- 22. 2003Z-070U-13

- 23. 28-79-U-13
- 26. 2003Z-072G-06

XI. PLANNED UNIT DEVELOPMENTS (revisions and amendments/UDO Finals)

- 36. 121-76-U-08
- 39. 98-85-P-14
- 40. 62-87-P-06
- 41. 2001UD-001G-12

XII. MANDATORY REFERRALS

- 43. 2003M-035U-138
- 44. 2003M-048U-10
- 45. 2003M-049U-09
- 46. 2003M-050U-08
- 47. 2003M-051U-08
- 48. 2003M-052U-11
- 49. 2003M-053U-14
- 50. 2003M-054U-09

Ms. Neilson moved and Mr. McLean seconded the motion, which unanimously carried, to close public hearing and approve the consent agenda. (10-0)

[Note: The staff report and formal Commission resolution approving each of the items on the consent agenda can be found below in the order in which the item appeared on the Commission agenda.]

Comment [dlk1]: Let's try this comment in the minutes each time and see how it goes over.

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. 2001Z-060U-14**
Map 95-2, Parcel 110
Subarea 14 (1996)
District 15 (Loring)

A request to change from RS10 district to MUG district property located at 252 Donelson Hills Drive, north margin of Lebanon Pike, (40 acres), requested by Michael Manous of Manous Consulting and Design, for Thomas Beasley and Cumberland Yacht Harbor LLC, owners. (See PUD Proposal No. 2003P-007U-14 below).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Rezone 40 acres from residential single-family (RS10) to mixed-use general (MUG) district property at 252 Donelson Hills Drive, along the north side of Lebanon Pike.

Existing Zoning

RS10 district - RS10 zoning is intended for single-family homes on 10,000 square foot lots at a maximum density of 3.7 dwelling units per acre. The current zoning would permit 148 single-family lots on this property.

Proposed Zoning

MUG district/PUD - MUG zoning is intended for a moderately high intensity mixture of residential, retail, and office uses. It also permits a marina under the boat dock use category. MUG permits a maximum floor area ratio (FAR) of 3.0, and a maximum height of 65 feet at the setback line. (See PUD proposal 2003P-007U-14).

SUBAREA 14 PLAN POLICY

Natural Conservation (NC) - NC policy is designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban intensities. The NC policy was applied to the floodplain of the Cumberland River and Mill Creek.

Policy Conflict - The MUG district is not typically consistent within the NC policy. A site specific PUD plan has been submitted however, limiting uses to residential and general commercial uses, and the plan proposes environmental mitigation measures. Since a marina is a unique use with a very limited number of potential sites, staff feels that this proposal is in line with the overall intent of the Concept 2010 General Plan. Within the

"Residential Environment" component there is a section concerning parks and recreation facilities. The General Plan states: "The Cumberland River, tributaries and reservoirs constitute a major recreational resource in Davidson County. Acceptable water quality standards must be maintained in order to preserve the waterways for fishing, boating, and other water-related activities. Public access points and facilities such as docks and boat launches should be maintained, and new ones constructed as required by reasonable public demand...The recreation facilities of private or semiprivate organizations often provide a supplement to public facilities. The development of such facilities should be encouraged to the extent that legitimate demand can be shown to exist for the proposed facilities, and that compatible land development patterns can be served. (General Plan, page 26-28).

RECENT REZONINGS - None

TRAFFIC - Based on the trip generation numbers from the traffic impact study for the marina, condominiums, and retail uses, this proposal will generate 5,470 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

1. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
2. Construct a Left turn lane on Lebanon Road for cars entering project site. Include 200 ' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
3. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed, a right turn overlap phase for southbound right turns shall also be designed.
4. Construct a minimum of 869 parking spaces.
5. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
6. Construct one access road to outparcel from main project road. one lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
7. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

SCHOOLS

Students Generated 20 Elementary 13 Middle 10 High

Schools Over/Under Capacity - Students will attend Pennington Elementary School, Two Rivers Middle School, and McGavock High School. Pennington has been identified as being overcrowded by the Metro School Board.

CONDITIONS

The following conditions should be made part of the council bill and bonded or completed prior to final plat recordation.

1. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
2. Construct a left turn lane on Lebanon Road for cars entering project site. Include 200 ' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
3. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.

4. Construct a minimum of 869 parking spaces.
5. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
6. Construct one access road to outparcel from main project road. One lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
7. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

[See below for public hearing and Commission discussion. Zone Change Proposal 2001Z-060U-1, PUD Proposal 2003P-007U-14, and PUD 36-76-G-14 were heard on Public Hearing and discussed by the Commission together.]

2. **2003P-007U-14**
 Cumberland Yacht Harbor
 Map 95-2, Parcel 110
 Subarea 14 (1996)
 District 15 (Loring)

A request for preliminary approval for a Planned Unit Development located abutting the north margin of Lebanon Pike and the western margin of Donelson Hills Drive, classified RS10 and proposed for MUG, (40.00 acres), to permit the development of 181 condominium units, 50,735 square feet of retail/restaurant/office, and a 225 slip public marina and marina services, requested by Manous Consulting and Design, for Thomas Beasley and Cumberland Yacht Harbor LLC, owners. (See Zone Change Proposal No. 2001Z-060U-14 above).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

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

A request to apply a Planned Unit Development district on 40 acres located along Donelson Hills Drive, Lebanon Pike and along Mill Creek. This proposal includes 181 condominium units, 50,735 square feet of retail, restaurant, office, and convenience market uses, and a public marina including 225 boat slips.

Proposed Zoning

MUG district - The property has a base zoning of RS10 currently, while MUG is proposed (see Zone Change Proposal 2001Z-060U-14) with a PUD overlay.

PLAN DETAILS - This plan proposes to cut approximately 600,000 cubic yards of material from the 12.8 acre portion of the 40 acre site proposed for the waterway of the marina. Dirt/material is proposed to be relocated to other areas on site and to an area within the existing Belle Acres PUD on the south side of Mill Creek. Dredging of the Mill Creek channel will provide an average channel depth of seven feet and an average marina depth of 10 feet.

Stormwater Management - The applicant was granted approval by the Metro Stormwater Management Committee on December 19, 2002, "To allow the disturbance of the existing Mill Creek floodway and floodway buffer to accommodate the proposed development as shown on the plan of record. To allow the disturbance of the proposed floodway buffer as shown on the plan of record."

On May 22, 2003, the Stormwater Management Committee is scheduled to hear the applicant's request to allow uncompensated cut-and-fill. Staff will update the Commission at the meeting as to the outcome of this request.

Corp of Engineers - Staff is recommending conditional preliminary PUD approval with conditions including requiring Corps of Engineer's approval prior to final PUD approval. The applicant will be required to obtain a 404 Permit from the Corps of Engineers prior to final PUD approval. The applicant will be required to obtain a letter of map revision from FEMA, and an Aquatic Resource Alteration Permit (ARAP) from the Tennessee Department of Environment and Conservation (TDEC), as well.

Plan Design - The PUD plan is designed with the buildings oriented toward the marina (Mill Creek). Staff is recommending conditional approval with a condition that the final site design for the outparcel and the corner of the commercial building facing Lebanon Pike be subject to design modifications to orient the buildings toward Lebanon Pike with any final PUD submittal for these portions of the plan.

Property Owners Signatures/Railroad Permission - Since this plan requires off-site dredging of Mill Creek, additional signatures of adjacent property owners will be required. Prior to adoption of the Preliminary PUD plan by the Metro Council, the applicant will be required to obtain signatures from the owners of the following parcels: Map 84, Parcel 12, Map 94, Parcel 16, Map 95-01 Parcel 69, Map 95-06, Parcel 6.01, and Map 95-02, Parcel 137.

Greenway/Conservation Easement - The proposed plan provides a "Conservation/Greenway public access trail easement area" through the development. The Metro Greenways Commission has approved the proposed design that provides a trail from the Cumberland River to Lebanon Pike, including a pedestrian bridge from the marina area to the Belle Acres PUD. This will be conditioned upon the applicant providing construction details of the trail with the final PUD. The trail standards must be approved by the Metro Greenway Commission at the final PUD stage.

TRAFFIC - The plan proposes private driveways throughout the development, while several changes are proposed at the entrance at Lebanon Pike. A new traffic signal is proposed at this intersection, as well as a westbound right-turn lane and an eastbound left-turn lane.

Traffic Engineer's Recommendation - Approval with conditions, including the following conditions to be completed by the developer:

1. At project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
2. Construct a Left turn lane on Lebanon Road for cars entering project site. Include 200' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
3. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
4. Construct a minimum of 869 parking spaces.
5. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
6. Construct one access road to outparcel from main project road. one lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.
7. All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to adoption of the Preliminary PUD plan by the Metro Council, the applicant will be required to obtain signatures from the following property owners: Map 84, Parcel 12, Map 94, Parcel 16, Map 95-01 Parcel 69, Map 95-06, Parcel 6.01, and Map 95-02, Parcel 137.

5. The final site design for the out parcel and the corner of the commercial building facing Lebanon Pike be subject to design modifications to orient the buildings toward Lebanon Pike with any final PUD submittal for these portions of the plan.
6. Prior to final PUD approval, the developer must obtain a 404 Permit from the Corp of Engineer's. The applicant will be required to obtain a letter of map revision from FEMA, and an Aquatic Resource Alteration Permit (ARAP) permit from the Tennessee Department of Environment and Conservation (TDEC), as well.
7. Final PUD plan shall indicate the construction details of the trail. The trail standards must be approved by the Metro Greenway Commission, prior to submittal of the final PUD plan.
8. Project access, construct one northbound entering lane, one southbound left turn lane with 150' storage and taper and one right turn lane with 150' storage and taper per AASHTO standards.
9. Construct a left turn lane on Lebanon Road for cars entering project site. Include 200 ' storage and taper per AASHTO standards. The left turn lane shall be constructed to minimize the existing curvature of Lebanon Rd.
10. Developer shall design & install a traffic signal at the project access /Lebanon Road intersection. Design shall be submitted to Public Works for approval. The signal shall include a left turn phase for the eastbound left turns. The signal shall be installed when 25% of the traffic for any combination of the different land use development has been generated. Since a right turn acceleration lane will not be constructed a right turn overlap phase for southbound right turns shall also be designed.
11. Construct a minimum of 869 parking spaces.
12. Construct a continuous median, minimum 4' width or greater, from the project access entrance north to the traffic circle on project main road.
13. Construct one access road to outparcel from main project road, one lane exiting and one lane entering shall be constructed. Only right turn in and right turn out shall be allowed.

All roadways within the project shall be private. Developer shall provide all required signage and pavement markings per MUTCD standards. Developer shall be responsible for all road and landscape maintenance.

Mr. Leeman stated staff recommends approval of Zone Change Proposal 2001Z-060U-14, and approval with conditions of PUD Proposal 2003P-007U-14.

Councilman Loring spoke in favor of new marina, and announced public meeting on June 13, 2003, at Donelson Senior Citizens Center.

Mr. David Waters, resident adjacent to proposed development, addressed concerns regarding size of project, and lack of community meetings beforehand.

Ms. Elizabeth Murphy, representing Dolly White, Marie George, and Ms. Waggoner, residents, living on the shoreline of Mill Creek, spoke in opposition with concerns of erosion. Asked for 60 day deferral to allow for community meeting to further discuss project.

Ms. Bobbi Frost, resident, spoke in opposition to project.

Mr. James Waters, resident of Lebanon Pike, spoke with concerns regarding project and what it may do to his property in regards to flooding.

Mr. Victor Scoggin with Save the Cumberland River, a non-profit organization, spoke in opposition to development due to noise levels, area wildlife, and vegetation.

Ms. Dolly White, resident, spoke in opposition to marina due to erosion and lack of bank stabilization.

Mr. McDonald, resident of June Dr., spoke against development and was unaware of any community meetings.

Ms. Janet McDowell, resident of June Drive, expressed her objection of project due to size, traffic, noise, and lack of community involvement.

Mr. Mark Wachinski, represented applicant as their civil engineer, and stated designs have evolved, as well as cleared up issue of Nashville Crayfish and lack of such living in Mill Creek. Promised more community involvement in future.

Mr. Bill Harris, resident of June Dr., spoke in favor of development, and claimed the project would enhance the area.

Mr. Sweat questioned staff regarding other departmental reviews on bank erosion.

Ms. Neilson asked about property owner consent on adjacent land.

Mr. Tyler stated concern with lack of community involvement.

Ms. Cummings asked questions about community involvement and final approval.

Mr. Clifton raised concerns regarding size of project in relation to conservation and the value of the river and surrounding area.

Mr. McLean voiced favor of staff recommendation.

Ms. Neilson showed concern for design standards with regard to density.

Mr. Small stated hesitation in approval due to scope of project, with emphasis on the zone change, as well as the ramifications of taking soil from Mill Creek and using it to build up another area.

Mr. Kleinfelter stated procedures of deferral or approval for the record.

Mr. Sweat moved and Mr. Clifton seconded the motion to defer consideration of Zone Change Proposal 2001Z-060U-14, PUD Proposal 2003P-007U-14, and PUD Proposal 36-76-G-14 two meetings, until July 10, 2003. (10-0)

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3. **2001Z-121U-07**
Council Bill No. BL2003-1368
Map 91-11, Part of Parcel 328
Subarea 7 (2000)
District 21 (Whitmore)

A request to change from RM40 and R6 districts to CS district property at 5012 Delaware Avenue, eastern corner of the Delaware Avenue and 51st Avenue North intersection, (0.34 acres), requested by Anthony Cherry, owner.

Staff Recommendation - Disapprove as contrary to the General Plan

APPLICANT REQUEST - Rezone 0.34 acres from multi-family residential (RM40) and single-family and duplex (R6) districts to commercial services (CS) district a portion of property at 5012 Delaware Avenue, near the corner of Delaware Avenue and 51st Avenue North.

The applicant is seeking this zone change to make the entire parcel the same zoning. This property is split into four separate legal lots, two of which are currently zoned CS and the other two lots have residential zoning.

Existing Zoning

RM40 district - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

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.

Proposed Zoning

CS district - CS (commercial service) is intended for retail, consumer service, financial, restaurant, office, Auto-repair, Auto sales, self-storage, light manufacturing and small warehouse uses

SUBAREA 7 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of "strip commercial" which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Residential Medium (RM) -RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - Yes. A commercial zoning pattern exists in this area from 52nd Avenue North back to the applicant's currently zoned CS portion of property, along Delaware Avenue. The Subarea 7 Plan's Residential Medium (RM) policy is applied from the edge of the applicant's property zoned CS. The Subarea 7 Plan recognized the existing commercial properties along 51st Avenue North and designated that area as a Commercial Arterial Existing (CAE) policy. The Subarea 7 Plan also limits the commercial area to the property fronting 51st Avenue North from Charlotte Avenue north to Centennial Boulevard. Expansion of the commercial policy into the residential policy area is strongly discouraged. The applicant currently has a business located on the portion of the CS zoned property. The portion of the property that is residentially zoned has two single-family homes and is adjacent to a single-family home. Rezoning this property to CS would create a non-conforming use for the existing residences.

RECENT REZONINGS - Yes, this request was originally heard by the Planning Commission on December 6, 2001. While staff recommended disapproval as Contrary to the General Plan, the Planning Commission approved the request.

MPC Recommendation from 2001 - The Planning Commission found that although this portion of parcel 328 falls within the Subarea 7 Plan's Residential Medium (RM) policy, it is on the edge of the Commercial Arterial Existing (CAE) policy. The front portion of parcel 328 falls within a commercial policy and is already zoned CS. Rezoning the remainder of this parcel will clean-up the Subarea 7 Land Use Policy Map where the commercial policy should have been applied originally.

TRAFFIC

Traffic Engineer's Findings - Since this item was referred back from the Metro Council on May 6th, there was not sufficient time to get new information from the Public Works Department on this request. However, in December 2001, the Metro Traffic Engineer indicated that Delaware Avenue and 51st Avenue North can accommodate the traffic that would be generated by changing this property to CS zoning.

Mr. Leeman stated that staff recommends disapproval as contrary to the General Plan.

Mr. Bill Ruff, resident of 49th Ave north, 3 doors away from rezoning, who spoke in agreement with staff recommendation to disapprove.

Mr. Hal Wilson, property owner in area, stated his favor of zone change.

Mr. Michael Bierly, resident of Kentucky Ave, spoke against zoning.

Mr. William Kantz, property owner in area, spoke in support of zone change.

Mr. Anthony Cherry, owner of property to be rezoned, demonstrated on slide the zoning of area lots, and spoke in favor of rezoning.

Ms. Jones spoke in support of 'cleaning up' the zoning, due to 3 zonings on one parcel.

Mr. Small spoke in favor of rezoning.

Mr. McLean spoke in favor of disapproving rezoning.

Mr. Clifton spoke against rezoning.

Councilman Summers moved and Mr. Sweat seconded the motion, to approve the staff report and disapprove the proposal as contrary to the General Plan.

Resolution No. 2003-167

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-121U-07 is **DISAPPROVED (7-3-0)** as contrary to the General Plan"

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- 4. 2003Z-051G-06**
Map 169, Parcel 55
Subarea 6 (1996)
District 35 (Tygard)

A request to change from CL district to CS district property at Highway 100 (unnumbered), abutting the southern margin of Highway 100, (0.51 acres), requested by D. E. Ryan, owner. (Deferred from meeting of May 8, 2003).

The Commission **DEFERRED (10-0)** a recommendation on Zone Change Proposal No. 2003Z-051G-06: This proposal was deferred by request of the applicant until the meeting of June 26, 2003.

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- 5. 2003Z-052U-08**
Map 81-4, Parcel 226
Subarea 8 (1995)
District 20 (Haddock)

A request to change from OR40 and CS districts to RM20 district property at Athens Way (unnumbered), at the intersection of Athens Way and Dominican Drive, (16.57 acres), requested by Brett Smith of Ragan-Smith Associates, applicant, for American Realty Trust, Inc. (See PUD Proposal No. 2003P-009U-08 below).

Staff Recommendation -Approve

APPLICANT REQUEST - Rezone 16.57 acres from office and residential (OR40) and commercial services (CS) to residential multi-family (RM20) on the west side of Athens way between Ponder Pl. and Dominican Dr.

Existing Zoning

OR40 district - Office/Residential is intended for office and/or multi-family residential units at up to 40 dwelling units per acre

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses

Proposed Zoning

RM20/PUD - Intended for single-family, duplex, and multi-family dwellings at a maximum density of 20 dwelling units per acre. The subarea plan notes that these requests are appropriate when accompanied by a Planned Unit Development overlay district to assure appropriate design and that the type of development conforms with the intent for NU areas and the location in question.

SUBAREA 8 PLAN POLICY

(NU) Neighborhood Urban - NU is intended to apply to existing areas with a diverse mix of residential and nonresidential uses that are envisioned to remain as such, and for emerging and future areas where a similar mix of development is planned. NU areas include single- and multi-family residential and civic and public benefit activities.

POLICY CONFLICT - None. The change removes the CS zone and supports low-rise residential in keeping with the subarea plan.

RECENT REZONINGS - None.

TRAFFIC - This development could generate 2,197 vehicle trips per day. (Trip Generation, 6th Edition, Institute of Transportation Engineers, 1996.) Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - Approval with conditions. (Traffic engineers conditions are included with the staff report for the related PUD, 2003P-009U-08).

SCHOOLS 26 Elementary 17 Middle 13 High

Schools Over/Under Capacity - Students would attend Andrew Jackson Elementary, Dupont-Hadley Middle School and McGavock High School. Andrew Jackson and Dupont Hadley have been identified as overcrowded by the Metro School Board. McGavock is not yet at capacity.

CONDITIONS - Staff recommends that approval of this zoning request be conditioned upon adoption of the PUD overlay district, to assure appropriate design and that the type of development conforms with the intent for NU areas and the location in question.

[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-052U-08 and PUD Proposal 2003P-009U-08 were heard on Public Hearing and discussed by the Commission together.]

- 6. **2003P-009U-08**
 Parc at Metro Centre
 Map 81-4, Parcel 226
 Subarea 8 (1995)
 District 20 (Haddock)

A request for preliminary approval for a Planned Unit Development located abutting the west margin of Athens Way, north of Dominican Drive, classified OR40 and CS and proposed for RM20, (16.57 acres), to permit the development of a 242 residential multi-family unit complex, requested by Ragan-Smith Associates, for American Realty Trust, Inc., owner. (See also Zone Change Proposal No. 2003Z-052U-08 above).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

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

SUBAREA 8 PLAN DESIGNATION

(NU) Neighborhood Urban - This classification is for fairly intense, expansive areas that are intended to contain a significant amount of residential development in a mixed use neighborhood.

P.U.D. PERFORMANCE STANDARDS & PROVISIONS

Section 17.36.050(A) - If encompassing environmentally sensitive areas, as defined by Chapter 17.28 of the Zoning Ordinance, approval of a PUD Master Development Plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of a conventional subdivision.

The proposed plan does a better job than a conventional subdivision of preserving the environmentally sensitive areas of steep slopes (>20%) through placement of structures, parking areas and grading.

PLAN DETAILS - The property is classified in the Subarea 8 Plan as NU: Neighborhood Urban, which contemplates substantial residential development in a mixed use neighborhood. This request is for 242 units of mid-rise apartments on 16.57 acres for a density of 14.6 du/ac. The accompanying zone change (2003Z-052U-08) would change the underlying zone to RM20 which allows up to 20 du/ac.

TRAFFIC ENGINEER'S FINDINGS

ATHENS WAY and SOUTH SITE ACCESS

1. Construct project access driveway as far north on Athens Way without adversely impacting sight distance.
2. Install striping per figure 7 of the TIS dated April 30, 2003.
3. Project Access driveway shall be constructed with 1 exiting 11' lane and 1 entering 11' lane.
4. Install stop sign and stop bar on access drive.
5. Vehicular Gates shall be installed a minimum of 75' from the location of the eastbound stop bar
6. The project drive shall be designed to allow vehicles denied entry the ability to safely return to Athens Way
7. Monument signage, landscaping, and fencing shall be set back from the road so that sight distance is not restricted at this intersection.

ATHENS WAY/ NORTH SITE ACCESS

1. Install a northbound left turn lane with 100' storage and taper per AASHTO standards
2. Construct access drive with a minimum 22' of pavement for 1 exiting lane and 1 entering lane.
3. Install stop bar and stop sign.
4. Install vehicular access gates 75' from stop bar.
5. Install for 'RESIDENTS ONLY SIGN' clearly visible to traffic on Athens Way.
6. Signs, fencing and landscaping shall be located so sight distance is not restricted.

PEDESTRIAN and BIKE FACILITIES

1. The developer shall install a sidewalk along the west side of Athens way. Pedestrian signals and associated ADA compliant facilities shall be installed at the Dominican Drive and Metrocenter blvd intersection.
2. The developer shall provide all required signage for this development.

CONDITIONS

ATHENS WAY AND SOUTH SITE ACCESS

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
4. Construct project access driveway as far north on Athens Way without adversely impacting sight distance.
5. Install striping per figure 7 of the TIS dated April 30, 2003.

6. Project Access driveway shall be constructed with 1 exiting 11' lane and 1 entering 11' lane.
7. Install stop sign and stop bar on access drive.
8. Vehicular Gates shall be installed a minimum of 75' from the location of the eastbound stop bar.
9. The project drive shall be designed to allow vehicles denied entry the ability to safely return to Athens Way.
10. Monument signage, landscaping, and fencing shall be set back from the road so that sight distance is not restricted at this intersection.

ATHENS WAY/ NORTH SITE ACCESS

1. Install a northbound left turn lane with 100' storage and taper per AASHTO standards
2. Construct access drive with a minimum 22' of pavement for 1 exiting lane and 1 entering lane.
3. Install stop bar and stop sign
4. Install vehicular access gates 75' from stop bar
5. Install for 'RESIDENTS ONLY SIGN' clearly visible to traffic on Athens Way
6. Signs, fencing and landscaping shall be located so sight distance is not restricted.

PEDESTRIAN and BIKE FACILITIES

1. The developer shall install a sidewalk along the west side of Athens way. Pedestrian signals and associated ADA compliant facilities shall be installed at the Dominican Drive and Metrocenter blvd intersection.
2. The developer shall provide all required signage for this development.

Mr. Reed stated staff recommends approval.

Mr. Ron Retz, president of Film House, company on adjacent property, spoke against approval of rezoning and asked for deferral for further discussion.

Mr. Brett Smith, planner with Ragan-Smith and Associates, requested approval of zoning.

Councilman Summers moved and Ms. Cummings seconded the motion, to approve the staff recommendation to approve Zone Change Proposal 2003Z-052U-08, and to approve PUD Proposal 2003P-009U-08 with conditions. (10-0)

Resolution No. 2003-168

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-052U-08 is **APPROVED. (10-0-0)**"

Resolution No. 2003-169

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal 2003P-009U-08 is **APPROVED WITH CONDITIONS. (10-0-0).**

Conditions of Approval:

ATHENS WAY AND SOUTH SITE ACCESS

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

2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
4. Construct project access driveway as far north on Athens Way without adversely impacting sight distance.
5. Install striping per figure 7 of the TIS dated April 30, 2003.
6. Project Access driveway shall be constructed with 1 exiting 11' lane and 1 entering 11' lane.
7. Install stop sign and stop bar on access drive.
8. Vehicular Gates shall be installed a minimum of 75' from the location of the eastbound stop bar.
9. The project drive shall be designed to allow vehicles denied entry the ability to safely return to Athens Way.
10. Monument signage, landscaping, and fencing shall be set back from the road so that sight distance is not restricted at this intersection.

ATHENS WAY/NORTH SITE ACCESS

1. Install a northbound left turn lane with 100' storage and taper per AASHTO standards
2. Construct access drive with a minimum 22' of pavement for 1 exiting lane and 1 entering lane.
3. Install stop bar and stop sign
4. Install vehicular access gates 75' from stop bar
5. Install for 'RESIDENTS ONLY SIGN' clearly visible to traffic on Athens Way
6. Signs, fencing and landscaping shall be located so sight distance is not restricted.

PEDESTRIAN and BIKE FACILITIES

1. The developer shall install a sidewalk along the west side of Athens way. Pedestrian signals and associated ADA compliant facilities shall be installed at the Dominican Drive and Metrocenter blvd intersection.
2. The developer shall provide all required signage for this development.”

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7. **2003Z-054G-12**
Map 172, Parcels 90, 91 and 93
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to MUL district properties at 6116, 6120 and 6130 Nolensville Pike, abutting the southern terminus of Althorp Way, (14.06 acres), requested by Rick Blackburn of Lenox Village/Regent Development, applicant, for Khalil and Iskan N. Osman, Heiriya Hassan, Abbas A. Abbas, and Kawa Majid Goran, owners.

Staff Recommendation – Approve

APPLICANT REQUEST - Rezone 14.06 acres from agricultural/residential (AR2a) to mixed-use limited (MUL) at 6116, 6120, and 6130 Nolensville Pike.

Existing Zoning

AR2a district - AR2a 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.

Proposed Zoning

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SUBAREA 12 PLAN POLICY

Mixed Use (MU) policy - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Residential Medium (RM) policy - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. On May 10, 2001, the Planning Commission adopted an amendment to the Subarea 12 Plan that included a special urban design treatment area for the Lenox Village Urban Design Overlay. Under the amendment to the subarea plan, the area designated for specialized design standards is expandable to include property that is contiguous or across a public way so long as the expanded area maintains a fully interconnected and compatible pattern of development.

The proposed MUL district is consistent with the intent of the Subarea 12 Plan's special policy area for Lenox Village.

The Subarea 12 Plan outlines the General Design Goals and Objectives for the Lenox Village Special Urban Design Treatment Area, as follows:

1. Insure the compatible integration of retail, office, and institutional uses with residential uses;
2. Insure the compatible integration of a variety of housing types, including single-family homes, townhouses and multi-family, in order to accommodate the housing needs of a diverse population;
3. Maintain a scale and form of development that emphasizes sensitivity to the pedestrian environment, as well as to other non-vehicular modes of transportation;
4. Minimize the intrusion of automobiles into the setting through strategies such as "shared parking," in which adjacent land uses having different peak-hour parking demands can share parking facilities;
5. Minimize the need for vehicles to travel on Nolensville Pike, or to travel significant distances on Nolensville Pike, by providing neighborhood commercial uses within close proximity to residents;
6. Achieve "traffic calming" benefits through: an integrated street network providing options for traffic flow, the avoidance of excessively wide streets, and the provision of on-street parking;
7. Provide for a variety of strategically-located and carefully-designed public and/or common spaces, including streets, greens and informal open space;
8. Insure the compatibility of buildings with respect to the specific character of their immediate context within the UDO district boundary;
9. Encourage active ground floor uses, such as restaurants, shops and services, to animate the street within the Village Center portion of the area.

RECENT REZONINGS - Yes. The Planning Commission approved the Lenox Village UDO and associated zone change on May 10, 2001.

TRAFFIC - Based on typical uses in the MUL zoning, between 2,029 and 26,224 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - A traffic impact study will be required with any subdivision plat submitted to the Planning Department.

SCHOOLS

Students Generated* 28 Elementary 20 Middle 16 High

Schools Over/Under Capacity - Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. All of these schools have been identified as being overcrowded by the Metro School Board.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq. ft. of floor area.

Conditions:

1. Prior to submittal of any final construction plans for approval within the areas added to the UDO by this amendment, a traffic study shall be prepared based on a scope approved by the Metro Traffic Engineer. The completed study shall be submitted to Metro Public Works Department for approval and the recommendations of the approved traffic study and any amendments made by the Metro Traffic Engineer shall be incorporated into the final construction plans for any applicable development in the areas added to the UDO by this amendment, plus any modifications to the existing Lenox Village as the approved Traffic Study and Metro Traffic Engineer might require.
2. Connection to the sidewalk network of guest parking lots serving residential structures on alley-loaded lots that front open space
3. Approval for use of any new street sections shown in the UDO document is dependent upon a traffic study approved by the Metro Public Works Department.
4. Minimum setback for garages on lots with Type VI buildings is 25 feet from the right-of-way line of the abutting street providing access.
5. Amendment of the garage setback from the front porch or façade for Type VI buildings in Table A-1 of the Appendix to a minimum of 6 feet instead of 15 feet.
6. Amendment of the front yard setback provisions for Type IV, V and VI buildings in Table A-1 by adding the requirement that the front setback variation of all buildings along any single block face shall not exceed 10 feet.
7. A landscape agreement with the Metro Public Works Department is required of the Community Owner’s Association for the maintenance of all landscaping and any other community amenities located within the public right-of-way.
8. All curb radii are subject to approval by Metro Public Works as part of the final construction plans.
9. Removal of the note calling for a signal on Page 6 of the UDO document.

[See below for public hearing and Commission discussion. Zone Change Proposals 2003Z-054G-12, 2003Z-055G-12, and UDO Proposal 2001UD-001G-12 were heard on Public Hearing and discussed by the Commission together.]

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- 8. **2003Z-055G-12**
Map 173, Parcels 73, 220 and a Portion of Parcel 224
Subarea 12 (1997)
District 31 (Knoch)

A request to change from RS10 district to MUL (1.60 acres) and RM9 (77.70 acres) districts properties at 6340 and 6350 Hills Chapel Road, and Hills Chapel Road (unnumbered), at the eastern terminus of Hills Chapel Road, (79.3 acres), requested by David McGowan of Lenox Village Regent Development, applicant, for McGowan Family Limited Partnership and Hurley-Y, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 79.3 acres from residential single-family (RS10) to mixed-use limited (MUL) (1.60 acres) and residential multi-family (RM9) (77.70 acres) properties at 6340, 6350 Hills Chapel Road, and Hills Chapel Road (unnumbered), southeast of the Lenox Village UDO.

Existing Zoning

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

Proposed Zoning

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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

SUBAREA 12 PLAN POLICY

Mixed Use (MU) policy - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Residential Medium (RM) policy - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. On May 10, 2001, the Planning Commission adopted an amendment to the Subarea 12 Plan that included a special urban design treatment area for the Lenox Village Urban Design Overlay. Under the amendment to the subarea plan, the area designated for specialized design standards is expandable to include property that is contiguous or across a public way so long as the expanded area maintains a fully interconnected and compatible pattern of development.

The proposed MUL district is consistent with the intent of the Subarea 12 Plan's special policy area for Lenox Village.

The Subarea 12 Plan outlines the General Design Goals and Objectives for the Lenox Village Special Urban Design Treatment Area, as follows:

1. Insure the compatible integration of retail, office, and institutional uses with residential uses;
2. Insure the compatible integration of a variety of housing types, including single-family homes, townhouses and multi-family, in order to accommodate the housing needs of a diverse population;
3. Maintain a scale and form of development that emphasizes sensitivity to the pedestrian environment, as well as to other non-vehicular modes of transportation;
4. Minimize the intrusion of automobiles into the setting through strategies such as "shared parking," in which adjacent land uses having different peak-hour parking demands can share parking facilities;
5. Minimize the need for vehicles to travel on Nolensville Pike, or to travel significant distances on Nolensville Pike, by providing neighborhood commercial uses within close proximity to residents;
6. Achieve "traffic calming" benefits through: an integrated street network providing options for traffic flow, the avoidance of excessively wide streets, and the provision of on-street parking;

7. Provide for a variety of strategically-located and carefully-designed public and/or common spaces, including streets, greens and informal open space;
8. Insure the compatibility of buildings with respect to the specific character of their immediate context within the UDO district boundary;
9. Encourage active ground floor uses, such as restaurants, shops and services, to animate the street within the Village Center portion of the area.

RECENT REZONINGS -Yes. The Planning Commission approved the Lenox Village UDO and associated zone change on May 10, 2001.

TRAFFIC - Based on typical uses in the MUL and RM9 zoning, between 231 and 4,097 trips per day could be generated by the MUL zoning and approximately 4,723 trips per day could be generated by the RM9 zoning. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - A traffic impact study will be required with any subdivision plat submitted to the Planning Department.

SCHOOLS

Students Generated* 56 **Elementary** 39 **Middle** 32 **High**

Schools Over/Under Capacity - Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. All of these schools have been identified as being overcrowded by the Metro School Board.

*The numbers for this calculation are based upon the associated Urban Design Overlay plan for this area.

Conditions:

1. Prior to submittal of any final construction plans for approval within the areas added to the UDO by this amendment, a traffic study shall be prepared based on a scope approved by the Metro Traffic Engineer. The completed study shall be submitted to Metro Public Works Department for approval and the recommendations of the approved traffic study and any amendments made by the Metro Traffic Engineer shall be incorporated into the final construction plans for any applicable development in the areas added to the UDO by this amendment, plus any modifications to the existing Lenox Village as the approved Traffic Study and Metro Traffic Engineer might require.
2. Connection to the sidewalk network of guest parking lots serving residential structures on alley-loaded lots that front open space
3. Approval for use of any new street sections shown in the UDO document is dependent upon a traffic study approved by the Metro Public Works Department.
4. Minimum setback for garages on lots with Type VI buildings is 25 feet from the right-of-way line of the abutting street providing access.
5. Amendment of the garage setback from the front porch or façade for Type VI buildings in Table A-1 of the Appendix to a minimum of 6 feet instead of 15 feet.
6. Amendment of the front yard setback provisions for Type IV, V and VI buildings in Table A-1 by adding the requirement that the front setback variation of all buildings along any single block face shall not exceed 10 feet.
7. A landscape agreement with the Metro Public Works Department is required of the Community Owner's Association for the maintenance of all landscaping and any other community amenities located within the public right-of-way.
8. All curb radii are subject to approval by Metro Public Works as part of the final construction plans.

9. Removal of the note calling for a signal on Page 6 of the UDO document.

[See below for public hearing and Commission discussion. Zone Change Proposals 2003Z-054G-12, 2003Z-055G-12, and UDO Proposal 2001UD-001G-12 were heard on Public Hearing and discussed by the Commission together.]

9. 2001UD-001G-12

Lenox Village Expansion
Map 172, Parcels 90, 91 and 93
Map 173, Parcels 73, 220 and 224
Subarea 12 (1997)
District 31 (Knoch)

A request to amend the Urban Design Overlay District located abutting the east margin of Nolensville Pike, south of Barnes Road, classified MUL and RM9 (92.44 acres), to increase the maximum number of permitted dwelling units and to expand the area to which the district applies in order to accommodate additional residential and neighborhood scale mixed use development, requested by Looney-Ricks-Kiss- Ferguson-Smith, for Lenox Village LLC, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - To amend the Urban Design Overlay District in order to expand the area of the district by adding 14.06 acres along Nolensville Pike, and by adding 92.44 acres east of Nolensville Pike along both sides of the tributary to Mill Creek, to increase the maximum permitted number of residential units by 806 and to increase the potential area for mixed use development.

Existing Zoning

RS10 zoning -Single family homes on lots of at least 10,000 square feet

Proposed Zoning

MUL and RM9 zoning with a UDO - Mixed commercial, office and residential use and Mixed housing type residential development in accordance with a design concept plan and design guidelines.

SUBAREA 12 PLAN POLICY - Residential Medium Density (RM)

Policy Conflict -No. The approval by the Planning Commission of the Subarea 12 plan amendment that enabled the Lenox Village UDO also authorized contiguous expansion of the UDO

STAFF ANALYSIS -With these two additions to the UDO, Lenox Village will be approaching the ideal size of a complete neighborhood. The smaller addition along Nolensville Pike will enable the provision of a better range of services as well as more residents immediately adjacent to those services. The larger addition includes the stream bed that provides a principal open space amenity in the original development, thereby greatly expanding this amenity. This will ultimately provide Lenox Village with a greenway connection to the Mill Creek leg of the countywide greenway system. The larger addition will also provide some limited opportunity for services convenient to nearby residents by allowing for the live/work building type. The southern end of the larger addition includes a portion of a previously platted conventional subdivision that will provide a good transition to the adjoining conventional development by retaining the lot pattern but utilizing residential buildings that fit into the neighborhood context of Lenox Village.

TRAFFIC

Traffic Study Submitted - No

Metro Traffic Engineer's Findings - An amended traffic study for the Lenox Village UDO is required for approval by Public Works prior to submittal of any final construction plans within the areas added to Lenox Village by this amendment of the UDO. Recommendations of the approved traffic study must be incorporated into the final construction plans for any applicable development in the added areas.

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CONDITIONS - Prior to submittal of any final construction plans for approval within the areas added to the UDO by this amendment, a traffic study shall be prepared based on a scope approved by the Metro Traffic Engineer. The

completed study shall be submitted to Metro Public Works Department for approval and the recommendations of the approved traffic study and any amendments made by the Metro Traffic Engineer shall be incorporated into the final construction plans for any applicable development in the areas added to the UDO by this amendment, plus any modifications to the existing Lenox Village as the approved Traffic Study and Metro Traffic Engineer might require.

Mr. Fawcett stated staff recommends approval with conditions.

Mr. Gowan, developer, stated attendance to answer any questions.

Mr. Small raised concerns about area schools.

Ms. Neilson moved and Ms. Jones seconded motion to approve staff recommendation to approve with conditions. (10-0)

Conditions of Approval:

1. Prior to submittal of any final construction plans for approval within the areas added to the UDO by this amendment, a traffic study shall be prepared based on a scope approved by the Metro Traffic Engineer. The completed study shall be submitted to Metro Public Works Department for approval and the recommendations of the approved traffic study and any amendments made by the Metro Traffic Engineer shall be incorporated into the final construction plans for any applicable development in the areas added to the UDO by this amendment, plus any modifications to the existing Lenox Village as the approved Traffic Study and Metro Traffic Engineer might require.
2. Connection to the sidewalk network of guest parking lots serving residential structures on alley-loaded lots that front open space
3. Approval for use of any new street sections shown in the UDO document is dependent upon a traffic study approved by the Metro Public Works Department.
4. Minimum setback for garages on lots with Type VI buildings is 25 feet from the right-of-way line of the abutting street providing access.
5. Amendment of the garage setback from the front porch or façade for Type VI buildings in Table A-1 of the Appendix to a minimum of 6 feet instead of 15 feet.
6. Amendment of the front yard setback provisions for Type IV, V and VI buildings in Table A-1 by adding the requirement that the front setback variation of all buildings along any single block face shall not exceed 10 feet.
7. A landscape agreement with the Metro Public Works Department is required of the Community Owner's Association for the maintenance of all landscaping and any other 78community amenities located within the public right-of-way.
8. All curb radii are subject to approval by Metro Public Works as part of the final construction plans.
9. Removal of the note calling for a signal on Page 6 of the UDO document.

Resolution No. 2003-170

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-054G-12 is **APPROVED (10-0).**"

Resolution No. 2003-171

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-055G-12 is **APPROVED (10-0).**"

Resolution No. 2003-172

“BE IT RESOLVED by the Metropolitan Planning Commission that Urban Design Overlay Proposal No. 2001UD-001G-12 is **APPROVED WITH CONDITIONS (10-0)**.

Conditions of Approval:

1. Prior to submittal of any final construction plans for approval within the areas added to the UDO by this amendment, a traffic study shall be prepared based on a scope approved by the Metro Traffic Engineer. The completed study shall be submitted to Metro Public Works Department for approval and the recommendations of the approved traffic study and any amendments made by the Metro Traffic Engineer shall be incorporated into the final construction plans for any applicable development in the areas added to the UDO by this amendment, plus any modifications to the existing Lenox Village as the approved Traffic Study and Metro Traffic Engineer might require.
2. Connection to the sidewalk network of guest parking lots serving residential structures on alley-loaded lots that front open space
3. Approval for use of any new street sections shown in the UDO document is dependent upon a traffic study approved by the Metro Public Works Department.
4. Minimum setback for garages on lots with Type VI buildings is 25 feet from the right-of-way line of the abutting street providing access.
5. Amendment of the garage setback from the front porch or façade for Type VI buildings in Table A-1 of the Appendix to a minimum of 6 feet instead of 15 feet.
6. Amendment of the front yard setback provisions for Type IV, V and VI buildings in Table A-1 by adding the requirement that the front setback variation of all buildings along any single block face shall not exceed 10 feet.
7. A landscape agreement with the Metro Public Works Department is required of the Community Owner’s Association for the maintenance of all landscaping and any other 78community amenities located within the public right-of-way.
8. All curb radii are subject to approval by Metro Public Works as part of the final construction plans.
9. Removal of the note calling for a signal on Page 6 of the UDO document.”

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- 10. 2003Z-056U-13**
Map 149, Parcels 176, 313, 356 and 357
Subarea 13 (1996)
District 28 (Alexander)

A request to change from IWD district to MUL district properties at Hamilton Crossings, abutting the northern margin of Hamilton Church Road, (27.2 acres), requested by Walter H. Davidson, applicant, for CRT Hamilton Corporation.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 27.2 acres from industrial warehousing and distribution (IWD) to mixed-use limited (MUL) at Hamilton Crossings Road and Hamilton Church Road (unnumbered).

Existing Zoning

IWD district - IWD zoning is intended for industrial warehousing/distribution, including a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

MUL district - MUL zoning is intended for a moderate intensity mixture of residential, retail, and office uses at a floor area ratio (FAR) of 1.0.

SUBAREA 13 PLAN POLICY

Community Center (CC) - (2003 Update) - CC policy is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. Generally, CC areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops.

Residential Medium (RM)-(1996 Plan) - The 1996 Subarea 13 plan applies RM policy to this area, which calls for four to nine dwelling units per acre.

Policy Conflict - Although there is a conflict with the current policy, the MUL district will bring the zoning closer to compliance with the existing RM policy area since it does allow for residential uses. The proposed MUL does implement the intent of the proposed Community Center policy scheduled to be considered by the Planning Commission in June, by allowing for a mixture of office, retail, and residential uses. Since this property falls at the intersection of two major thoroughfares, Hamilton Church Road and Murfreesboro Pike, the MUL is appropriate. It is also located in proximity of the new Super Wal-Mart on the other side of Hamilton Church Road.

RECENT REZONINGS - Yes. The Planning Commission recommended disapproval of a request to change from IWD to CS (2002Z-025U-13) on the south side of Hamilton Church Road at Murfreesboro Pike in March of 2002. However, the Metro Council subsequently approved the CS zoning. This site is currently being developed for a Super Wal-Mart. The subject property was rezoned from commercial general (CG) and CS to IWD in 1998 with the overall zoning update throughout the county.

TRAFFIC - Based on typical uses in MUL, this proposed zoning could generate approximately 3,934 trips if developed as office, 50,852 trips per day if developed as shopping center, and 4,629 trips per day if developed with 789 townhomes/condos at 1,500 square feet per unit. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - The Public Works Department has indicated they can do no further review of this item without additional information. No Traffic impact study has been submitted.

Conditions - Staff recommends a traffic impact study be submitted in conjunction with any site development plan or plat submitted to the Planning Department or Codes Department. The Council bill should include a condition requiring an access easement to be provided through this property to parcel 292 on tax map 149.

SCHOOLS

Students Generated* 55 Elementary 38 Middle 31 High

Schools Over/Under Capacity - If the property were developed under the proposed zoning, 124 students could be generated. Students would attend Maxwell Elementary, Antioch Middle School and Antioch High School. All schools have been identified as overcrowded by the Metro School Board.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq. ft. of floor area.

CONDITIONS

- 1. A condition should to be added to the bill that a detailed traffic impact study needs to be approved by the Metro Traffic Engineer in conjunction with and subdivision or development application.

- 2. A condition should to be added to the bill requiring an access easement be provided through this property to parcel 292 on tax map 149.

Ms. Nielson moved and Ms. Cummings seconded motion to add item back to consent agenda (10-0).

Resolution No. 2003-173

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-056U-13 is **APPROVED (10-0)**.

Conditions of Approval:

1. A condition should be added to the bill that a detailed traffic impact study needs to be approved by the Metro Traffic Engineer in conjunction with and subdivision or development application.
2. A condition should be added to the bill requiring an access easement be provided through this property to parcel 292 on tax map 149."

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- 11. 2003Z-057U-08**
Map 81-15, Parcel 585
Subarea 8 (1995)
District 20 (Haddox)

A request to change from CS district to MUL district property at 1712 Jefferson Street, approximately 400 feet east of Dr. D. B. Todd Boulevard, (0.38 acres), requested by William and Verica Coleman, owners.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone a .38 acre lot from CS to MUL at 1712 Jefferson Street, approximately 400 feet east of Dr. D.B. Todd Blvd.

Existing Zoning

CS - Commercial Service is intended for retail, consumer service, financial, restaurant, office, Auto-repair, Auto sales, self-storage, light manufacturing and small warehouse uses

Proposed Zoning

MUL - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses

SUBAREA 8 PLAN POLICY

Corridor Center (CC) - Intended for dense, predominantly commercial areas at the edge of a neighborhood, which extends along a major thoroughfare. The Subarea 8 plan contemplates MUL zoning for properties that front an arterial street and that develop conforming to design elements for CC areas and the general location. The existing use is non-conforming. In addition to retail/commercial uses there are residential units. MUL will allow the existing building and property to be upgraded.

RECENT REZONINGS –None

Policy Conflict - No

TRAFFIC - Based on typical uses in the MUL district approximately 110 to 673 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - No exception taken.

SCHOOLS

3 Elementary 2 Middle 2 High

Schools Over/Under Capacity - Students will attend Cockril Elementary, W.A. Bass Middle School and Pearl-Cohn High School. Cockril and W.A. Bass are at capacity. Pearl-Cohn is not yet at capacity.

CONDITIONS - Traffic conditions may be required by the Metro Public Works Department with the approval of any future development on this property.

Approved (10-0, Consent Agenda)

Resolution No. 2003-174

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-057U-08 is **APPROVED. (10-0)**"

- 12. 2003Z-058G-14**
Map 98, Parcel 54
Subarea 14 (1996)
District 12 (Ponder)

A request to change from RS15 district to RS10 district property at 5015 John Hager Road, at the intersection of John Hager Road and South New Hope Road, (3.1 acres), requested by Gary Wisniewski of Landmark Homes, applicant, for Louise H. Davis, owner.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 3.1 acres from Residential (RS15) to Residential Single-Family (RS10) at the southeast corner of John Hager Road and South New Hope Road.

Existing Zoning

RS15 zoning - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre

Proposed Zoning

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

SUBAREA 14 PLAN POLICY

Residential Low Medium - 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 - None.

RECENT REZONINGS - None.

A preliminary plat filed for this property was deferred indefinitely prior to the February 27, 2003 planning commission meeting. The Stormwater Management Committee denied the applicant's appeal to relocate a wet weather conveyance and stream buffer to move it to the rear of the proposed lots. The RS10 zoning will allow the applicant to essentially develop the same number of lots being proposed with RS15 zoning, while complying with the stream buffer requirements.

TRAFFIC

Traffic Engineers Comments - Traffic conditions may be required by the Metro Public Works Department with the approval of any future development on this property.

SCHOOLS

Students generated

2 Elementary

1 Middle

1 High

Schools Over/Under Capacity - Students will attend Dodson Elementary School, Dupont-Tyler Middle School and McGavock High School. Dodson Elementary School and Dupont-Tyler Middle School have been identified as being overcrowded by the Metro School Board.

Approved (10-0, Consent Agenda)

Resolution No. 2003-175

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-058G-14 is **APPROVED. (10-0)**"

13.

2003Z-059G-12
Map 172, Parcels 65, 180 and 199
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS10 district properties at 6103 Mt. Pisgah Road and Mt. Pisgah Road (unnumbered), approximately 3,600 feet east of Edmondson Pike, classified AR2a, (4.79 acres), requested by James and Teresa Creecy, owners.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 4.79 acres at from AR2a to RS10 6103 Mt. Pisgah Road.

Existing Zoning

AR2a district - 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. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

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

SUBAREA 3 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 - None. Request conforms to subarea policy RLM: Residential, low to medium density. There is RS10, RS15 and RS20 zoning in the immediate vicinity as well as a residential PUD to the southeast. With RS10 zoning, a maximum of 20 units could be built.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in the RS10 district approximately 230 vehicle trips per day could be generated. (Institute of Traffic Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

SCHOOLS

2 Elementary 2 Middle 1 High

Schools Over/Under Capacity - Students will attend Granbery Elementary, Oliver Middle School, and Overton High School. Granbery Elementary and Overton High School have been identified as being overcrowded by the Metro School Board. Currently Oliver Middle School is not open.

Approved (10-0, Consent Agenda)

Resolution No. 2003-176

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-059G-12 is **APPROVED. (10-0)**"

- 14. 2003Z-060U-05**
Map 82-15, Parcel 141
Subarea 5 (1994)
District 5 (Hall)

A request to change from IWD district to MUG district property at Main Street (unnumbered), and N. 6th Street, (5.67 acres), requested by Ragan-Smith Associates, Inc., for Newton Welch, Jr., owner.

Staff Recommendation -*Approve*

APPLICANT REQUEST - Rezone 5.67 acres from industrial warehousing and distribution (IWD) to mixed-use general (MUG) at Main Street (unnumbered) at the intersection of Main Street and North 6th Street.

Although many different uses are allowed in MUG zoning, the applicant has indicated that this request is being made to allow for a rehabilitation hospital.

Existing Zoning

IWD district-IWD zoning is intended for industrial warehousing/distribution, including a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses. MUG has a maximum FAR of 3.0 and a maximum height of 65 feet at the setback line and 1.5 feet to 1 foot of vertical to horizontal from there.

SUBAREA 5 PLAN POLICY

Residential Medium High (RMH) policy - RMH policy is intended for existing and future residential areas characterized by densities of nine to 20 dwelling units per acre. A variety of multi-family housing types are appropriate the most common types include attached townhomes and walk-up apartments.

Commercial ArterialExisting (CAE) policy - CAE policy is intended to recognize existing areas of "strip commercial" which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Policy Conflict - No. The proposed MUG district allows for multi-family development in the range of the RMH policy, while it also allows for commercial development in accordance with the existing commercial Main Street strip. It is consistent with the CAE policy because it is not expanding the physical boundaries of what is already zoned for non-residential uses. Given this sites location, backing up to Ellington Parkway, higher intensity mixed-use zoning is appropriate.

RECENT REZONINGS -No.

TRAFFIC - Based on several uses allowed in MUG, this proposed zoning could generate between 2,460 for general office uses and 12,433 trips if developed as a hospital. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - The Public Works Department has indicated they will require a traffic impact study with the submittal of any development plan for the site.

SCHOOLS

Students Generated 94 **Elementary** 70 **Middle** 50 **High**

Schools Over/Under Capacity - If the property were developed under the proposed zoning, 214 students could be generated. Students would attend Ross Elementary, Bailey Middle School and Stratford High School. Ross Elementary School has been identified as overcrowded by the Metro School Board.

*The numbers for MUG zoning are based upon students that would be generated if the MUG zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,200 sq. ft. of floor area.

Approved (10-0, Consent Agenda)

Resolution No. 2003-177

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-060U-05 is **APPROVED. (10-0)"**

- 15. 2003Z-062U-10**
Map 131-6, Parcel 50 and a Portion of Parcel 52
Subarea 10 1994)
District 33 (Turner)

A request to change from R20 and R15 districts to RS15 and RS10 districts properties at Burtonwood Drive (unnumbered), abutting the southern terminus of Burtonwood Drive, (4.07 acres), requested by Robert L. Burton, Jr., et ux.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 4.07 acres from residential single-family and two-family (R15 and R20) to residential single-family (RS15 and RS10) at Burtonwood Drive (unnumbered) at the end of Shys Hill Road.

Existing 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.

R20 district - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

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

SUBAREA 10 PLAN POLICY

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density housing (one to two dwelling units per acre). The predominant development type is single-family homes.

Policy Conflict - No. The Land Use Policy Application Guide states: “Since RL areas are largely developed, the housing mix is already established and should not be disrupted.” (p. 14). Since this neighborhood is predominantly developed as single-family, the RS10 and RS15 are appropriate. Although the proposed zoning would allow 14 single-family lots at 3.44 dwelling units per acre, the existing zoning allows a total of 13 dwelling units with 25% duplex at a density of 3.19 units per acre. Although the proposed zoning exceeds the RL policies recommended densities, the single-family homes are more in character with the surrounding neighborhood.

FUTURE SUBDIVISION

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

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

Included among those provisions are the following requirements:

- “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).
- “For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A) (1) (emphasis added).
- In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent . . . Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A) (2) (emphasis added).

RECENT REZONINGS - No.

TRAFFIC - Based on typical uses in the RS10 and RS15 single-family districts, approximately 134 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic

Traffic Engineer’s Findings - Traffic conditions may be required by the Metro Public Works Department with the approval of any future development on this property.

Mr. Leeman stated staff recommends approval.

Mr. Small questions zoning of surrounding areas, and Mr. Clifton agreed with questions raised.

Ms. Neilson moved and Ms. Jones seconded the motion to adopt staff recommendation to approve. (10-0)

Resolution No. 2003-178

BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-062U-10 is **APPROVED. (10-0)**”

- 16. 2003Z-063U-11**
Map 105-3, Parcel 332
Subarea 11 (1999)
District 19 (Wallace)

A request to change from OR20 district to CS district property at 1204 3rd Avenue South, approximately 100 feet south of Chestnut Street, (0.15 acres), requested by Sam J. Lewis, owner.

Staff Recommendation - *Disapprove as contrary to the General Plan*

APPLICANT REQUEST - Rezone 0.15 acres from office and residential (OR20) to commercial services (CS) at 1204 3rd Avenue South, near the intersection of Chestnut Street and 3rd Avenue South.

Existing Zoning

OR20 district - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre

Proposed Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, Auto-repair, Auto sales, self-storage, light manufacturing and small warehouse uses

SUBAREA 11 PLAN POLICY

Mixed-Use (MU) policy - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Policy Conflict - Yes. This property fall within the Subarea 11 Plan’s Mixed Use (MU) policy calling for the use of existing residential structures as offices and various professional services that do not require substantial structural alterations. The heavier commercial uses permitted within the CS district are not consistent with that policy. Extending CS zoning would encroach further into the residential areas to the south and consume more of the historic fabric of the area. These policy objectives are particularly viable in this area since these properties are across from Dudley Park.

The existing OR20 zoning, MUL or MUN districts would be the preferred zoning tools to implement the existing MU policy. The Trimble Action Group (TAG), a local neighborhood group, has been working for several years with the Planning Department to preserve the area’s historic structures and residential land uses. Approval of this zone change would be detrimental to TAG’s effort to preserve the character of the area.

RECENT REZONINGS -Yes. The Planning Commission recommended disapproval as contrary to the General Plan on October 12, 2000, for a request to rezone this same parcel and two adjacent parcels to CS. A bill was never introduced at council.

TRAFFIC - Based on typical uses in CS, this proposed zoning could generate approximately 13 trips if developed as office, 168 trips per day if developed as retail. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - No exception taken.

Mr. Leeman stated staff recommends disapproval as contrary to the General Plan.

Ms. Nielson motioned and Mr. Sweat seconded the motion to adopt the staff recommendation and disapprove as contrary to the General Plan. (10-0)

Resolution No. 2003-179

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2003Z-063U-11 is **DISAPPROVED (10-0) as contrary to the General Plan.**"

Commissioner Cummings left the meeting at 7:35pm

17. 2003Z-065U-07

Map 130-1, Parcels 80-89, 91-94, 119-137, 139-148, 150-175, 177-188, 205, 208, B101.00CO and B102.00CO

Map 130-2, Parcels 38-60, 62-71, 73-84, 86-88 and 174

Map 130-5, Parcels 29-34

Subarea 7 (2000)

District 34 (Williams)

A request to apply the Neighborhood Conservation overlay district to various parcels located between Harding Place, Blackburn Avenue, and Windsor Drive, classified R10 and RS10 districts, (45.23 acres), requested by Councilmember Lynn Williams for various property owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Apply the Neighborhood Conservation Overlay district to 149 lots on 45.23 acres on various parcels between Harding Place and Blackburn Avenue.

Neighborhood Conservation Overlay District (NCOD) - The NCOD is intended to protect the historical value of buildings, structures, and areas. To accomplish this intent, the Metropolitan Historic Zoning Commission (MHZC) is required to issue a preservation permit prior to any demolition, new construction, or additions based on compliance with the district's design guidelines. However, minor alterations to existing buildings would not require review by the MHZC.

SUBAREA 7 PLAN POLICY

Residential LowMedium (RLM) policy - 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 - None. Staff recommends approval since the NCOD is consistent with the Subarea 7 Plan's Residential Low Medium (RLM) policy, while the Neighborhood Conservation Overlay will serve to protect and enhance the existing neighborhood character.

METRO HISTORIC ZONING COMMISSION

History and Significance of Belle Meade Links Neighborhood (Provided by the Metro Historic Commission)

Within a few years of the final subdivision of the vast Belle Meade Plantation in 1906, the Bransford Realty Company purchased approximately 70 acres of land for development from the Belle Meade Land Company. Johnson Bransford turned to Ossian Cole Simonds of Chicago to design the landscape for his suburban acquisition.

Simonds (1855-1931) is today considered the father of the field of landscape architecture. With Frederick Law Olmstead, he founded the American Society of Landscape Architects in 1886. Simonds gained fame with his designs for Lincoln Park and Graceland Cemetery in Chicago and was awarded a silver medal at the Paris Exposition in 1900 for his work at Graceland. He worked in every state in the U.S., designing cemeteries, subdivisions, parks, and estates.

Following principles established by Olmstead, Simonds advocated design that emphasized existing topography and disturbed natural contours as little as possible. In designing the landscape for Bransford's two subdivisions, Deer Park and the Belle Meade Links, Simonds appropriated many of the concepts he had earlier applied to his work in cemeteries. Both are marked by curvilinear streets that respect the integrity of the land and its gently rolling form and by high quality landscaping. He included in Belle Meade Links what would today be called pocket parks, small, intimate spaces growing out of the local landform, building on the Olmsteadian belief that residential landscapes should knit the community together as well as provide a sense of spaciousness.

The plat of the Belle Meade Golf Links subdivision, as it was called then, was recorded on November 17, 1915. The earliest houses, built in the teens, are bungalows and Arts and Crafts cottages, followed by Revival styles, many Tudor, in the 1920s. The houses are appropriately sized and scaled for their 60-foot lots and, following Simonds' principles, allow the architecture to be integrated into the landscape, rather than overwhelming and obscuring it.

The significance of the Belle Meade Links neighborhood lies in its intact character and its status as one of very few extant examples in Nashville that follows the City Beautiful movement. It developed over time but has remained remarkably true to its original scale and design. It is also rare in Nashville in its sense of completeness; commercial development along Harding Road and other non-residential uses along its borders have not detracted from its integrity as an entity.

In 1999, the Historical Commission staff reviewed the neighborhood's historic status and found it Worthy of Conservation. Recent research that revealed its design by Simonds has caused the staff to determine that the district is eligible for listing in the National Register of Historic Places for its significance in early twentieth century suburban planning, along with its high percentage (72%) of historic structures.

Belle Meade Links also meets the criteria for a historic or conservation zoning overlay, and the neighborhood association is currently assessing the support for such an overlay. Seven of the eight properties to be demolished in the Harding Academy plan are classified as historic, or contributing, structures; such a substantial loss of historic structures diminishes the district's significance. In addition to the loss of housing stock, the development of a parking lot and playing field at a highly visible entry point, with the topographical alterations required for the new uses, is a major change to the original landscape and design that adversely impacts the district's inherent historic value.

The Metropolitan Historic Zoning Commission (MHZC) held a public hearing on May 14, 2003, and approved the design guidelines for the Belle Meade Links Neighborhood Conservation Overlay as outlined in Section 17.40.410 of the Zoning Code.

The MHZC found that the proposed district meets the criteria for designation as outlined in Section 17.36.120 of the Zoning Code, which reads as follows:

1. Historic Preservation and Neighborhood Conservation Districts. These districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:
2. The district is associated with an event that has made a significant contribution to local, state or national history; or
3. It includes structures associated with the lives of persons significant in local, state or national history; or
4. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
5. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
6. It is listed or is eligible for listing in the National Register of Historic Places.

RECENT REZONINGS - None

TRAFFIC - The proposed overlay does not change the allowable uses and will not increase or decrease traffic.

Metro Traffic Engineer's Findings - No exception taken

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SCHOOLS - There will be no change to school populations as a result of this overlay.

Mr. Leeman stated staff recommendation is to approve.

Mr. Fox, Legal Counsel, described purpose and function of Planning Commission in relation to this project for the record.

Mr. Clifton and Mr. Fox discussed what commissions were to hear and decide on.

Mr. John Claybrook, resident and previous president of area neighborhood association, spoke against overlay.

Ms. Kit Osbourne, resident of Pinbrooke Ave and architect, spoke in favor of overlay.

Mr. Tom Gray, Windsor Drive resident, spoke in favor of overlay, and asked commission to consider deferral.

Ms. Susan Valenti, resident, spoke in favor of conservation overlay.

Mr. Don Barnes, resident of Windsor Drive, spoke in favor of overlay and brought out lack of notification of growing situation from neighborhood association.

Mr. David Smith, Pembroke resident, spoke in favor of overlay.

A representative of Harding Academy, spoke against overlay due to attempt by neighbors to stop legitimate land owners by claiming need for conservation, and asked for deferral or to take Harding Academy out of the conservation overlay.

Ms. Emily Evans, Pembroke Ave resident and chair of Conservation Committee,

Ms. Pride Scanlan passed out booklets to Commissioners, and spoke against overlay, citing neighbors against being within a conservation overlay and asked for deferral.

Mr. Phillip Kirkpatrick, resident, disagreed with surveys conducted by groups, and spoke against conversation overlay.

Mr. Bill Harbison, speaking as an advocate for Harding Academy and against conversation overlay.

Mr. George Dean, attorney representing Harding Academy, spoke against conservation overlay.

Mr. Kevin Krumbone, Windsor Drive resident, asked for deferral of item.

Mr. Bryant Shepp, Windsor Drive resident and restorer of historic homes, spoke against conservation overlay and suggested a possible deferral due to lack of communication within community.

Mr. Ben Curtis, resident of Blackburn Drive, asked for approval of conservation overlay.

Mr. Chis Samuels, resident of Blackburn Drive, spoke against conservation overlay, and believes process is rushed.

Ms. Dottie Sutter, Pembroke Ave resident, spoke against conservation overlay due to problems with renovation and future upgrades the overlay may or may not prohibit, and asked for deferral.

Mr. Burt Bailey, Pembroke Ave resident, spoke in favor of overlay in order to protect the neighborhood.

Mr. Crom Carmichael, urged commission to drive around neighborhood, and spoke against conservation overlay.

Ms. Paula Walker, Windsor Drive resident, stated need for conservation overlay in area protection of homes.

Mr. Bill Deloche, trustee of Harding Academy, claimed neighbors were notified of intended plan over 12 years repeatedly, but only recently has the suggestion of a conservation overlay been suggested. He asked for Harding Academy to be excluded from overlay or to defer item.

Mr. Steve Matthews, resident of Green Hills and prior president of Harding Academy, asked for Academy to be excluded.

Mr. Phillips, resident of Harding Place, spoke in favor of overlay.

Ms. Patricia Campbell, resident of Blackburn Drive, spoke in favor of overlay.

Mr. Ed Triplet, Westover Drive resident, and owner of historic home, spoke in favor of conservation overlay in neighborhood.

Mr. Bob Doogan, Westover Drive resident, spoke in favor of conservation overlay.

Mr. Bob Davidson, Harding Academy parent and member of Board of Trust, spoke against conservation overlay and asked for deferral.

Resident of The Links for 4 years spoke in favor of conservation overlay and asked for approval.

Ms. Lee Ann Martin, resident of Blackburn Drive, asked for approval of conservation overlay.

Ms. Leslie Smyth, on behalf of Friends of Belle Meade Links, spoke in favor of conservation overlay.

Mr. Stuart Reneaux, resident and parent of Harding Academy spoke against conservation overlay.

Mr. Elizabeth Morrison, Harding Place resident, shared concerns with traffic and spoke in favor of conservation overlay.

Councilmember Williams spoke in support of conservation overlay, and mentioned no traffic survey submission.

Mr. Sweat explained his reasons for supporting overlay, based on past experiences and information presented by staff and the public.

Mr. Tyler commented, based on the information of conservation overlay requirements, all neighbors need to be in agreement.

Mr. Clifton stated this proposal promotes future development and revitalize and maintain an older neighborhood.

Mr. McLean discusses partial overlay with commission.

Mr. Neilson expressed concerns regarding misconception of some property owners, and lack of communication, especially with statistics.

Mr. Small mentioned congestion of traffic in area, as well as lack of communication in area between residents of The Links and parents of Harding Academy.

Mr. Nielson and Small discussed previous overlays.

Mr. Kleinfelter and Mr. Jones discussed subdivision in previous projects (involving MDHA) with similar circumstances.

Mr. Bernhardt explained to commission the specifics of the staff's recommendation.

Councilman Summers spoke in favor of the overlay specifically for the protection and conservation of the neighborhood, and stated project meets criteria. He also stated there will be legal litigation on this project.

Mr. Sweat moved and Councilman Summers seconded the motion to approve, (8-1).

Resolution No. 2003-180

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-065U-07 is **APPROVED. (8-1)**"

- 18. 2003Z-066U-13**
Map 149, Portion of Parcel 69
Subarea 13 (1996)
District 28 (Alexander)

A request to change from R8 district to MUL district property at 2500 Murfreesboro Pike, at the intersection of Murfreesboro Pike and Edge-O-Lake Drive, (0.59 acres), requested by Mark Marshall, owner.

The Zone Change Proposal No. 2003Z-066U-13, was WITHDRAWN by request of the applicant.

- 19. 2003Z-067G-06**
Map 102, Parcels 42, 72, 74 and
Portion of Parcels 40 and 65
Subarea 6 (1996)
District 23 (Bogen)

A request to change from RS80 and R40 districts to CS district properties at 5731 and 5765 River Road, River Road (unnumbered), 7120 Charlotte Pike, and Charlotte Pike (unnumbered), abutting the southern margin of River Road, (13.24 acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner, and Cannon, applicant, for Phillip Lee and Melissa Ann Chilton, W. E. and Frances L. Johnson, owners.

The Zone Change Proposal No. 2003Z-067G-06, was WITHDRAWN by request of the applicant.

- 20. 2003Z-068U-10**
Map 116-3, Parcels 89-91 and 106-110
Subarea 10 (1994)
District 34 (Williams)

A request to change from R10 district to RM40 district properties at 110, 112A, 114, 116, 118 Woodmont Boulevard, and 111, 113, 115 Kenner Avenue, approximately 500 feet east of Harding Pike, (2.35 acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner, and Cannon, applicant, for Wilson S. Manning, et ux, owners.

Staff Recommendation - *Disapprove as contrary to the General Plan*

APPLICANT REQUEST - Rezone 2.35 acres from residential single-family and duplex (R10) to multi-family residential (RM40) district eight properties along Woodmont Boulevard and Kenner Avenue.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RM40 district - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

Councilman Summers moved and Mr. Small seconded the motion to disapprove as contrary to the General Plan. (9-0)

Resolution No. 2003-181

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2003Z-068U-10 is **DISAPPROVED (9-0) as contrary to the General Plan.**

CONDITIONS

The following conditions should be made part of the council bill if one is requested.

1. Construct a left turn lane per AASHTO standards on Woodmont Boulevard at the site access with 75 feet of storage length and appropriate 320 foot transition. Dedicate required ROW.
2. One access driveway on Woodmont Boulevard shall be allowed.
3. No access drive on Kenner shall be allowed."

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- 21. 2003Z-069U-10**
Map 103-15, Parcels 36 and 54
Subarea 10 (1994)
District 25 (Shulman)

A request to change from CS and OR20 districts to MUL district properties at 4301 and 4313 Harding Pike, abutting the southern margin of Harding Pike, (3.95 acres), requested by Tony Giarratana of Giarratana Development, applicant, for Ridgefield Properties.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 3.95 acres from commercial services (CS) and office and residential (OR20) to mixed use limited (MUL) district properties 4301 and 4313 Harding Pike, east of Kenner Avenue.

Existing Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

OR20 district - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

MUL district -Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses

SUBAREA 10 PLAN POLICY

Mixed-Use (MU) - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Policy Conflict - No. The proposed MUL district is consistent with the Subarea 10 Plan's MU policy calling for a mixture of uses. "Mixed Use is applied in recognition of the blend of different land uses in a relatively compact area. The intent of the MU policy is to recognize the importance of maintaining a balance of residential, retail and office activities and encourage a more integrated development pattern." (page 57, Subarea 10 Plan)

The Subarea 10 Plan provides a concept plan that provides specific guidelines for the location of different activities in this policy area and suggests future locations for public open space. Development of this property should be in accordance with these guidelines.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for MUL zoning, this proposal would generate between 571 daily trips and 7,385 trips per day. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - Conditions will be developed for future development and a traffic impact study may be requested.

SCHOOLS

Students Generated* 5 **Elementary** 3 **Middle** 3 **High**

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

*The numbers for MUL zoning (114 multi-family units) are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq. ft. of floor area.

Mr. Kleinfelter stated staff recommends approval.

Mr. Tony Giarratana, showed graphic demonstrating retail building and asked commission to approve.

Mr. Sweat asked Mr. Giarratana about look of theater and retail office space in area.

Mr. Phillip Clark, resident of Kenner Ave., expressed concerns regarding pedestrian access.

Ms. Ellen Rodriguez, resident, expressed traffic concerns on corridor and would like to see a traffic study done.

Mr. Small stated area needs review from a long term perspective.

Councilman Summers stated development and zoning would be a good use of land, and would support a deferral.

Ms. Nielson moved and Mr. Clifton seconded the motion to approve the staff recommendation (8-1)

Resolution No. 2003-182

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2003Z-069U-10 is **APPROVED. (8-1)**"

22. 2003Z-070U-13
Map 149, Parcel 228
Subarea 13 (1996)
District 28 (Alexander)

A request to change from R15 district to RM6 (14.18 acres) and RS10 (28.16 acres) districts property at Rural Hill Road (unnumbered), abutting the northern margin of Rural Hill Road, (42.67 acres), requested by Kevin Estes of Dale and Associates, applicant, for J. E. and M. K. Stevenson, owners. (See PUD Proposal No. 28-79-G-13 below).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 42.34 acres from single-family and duplex (R15) to multi-family residential (RM6) (14.18 acres) and single-family residential (RS10) (28.16 acres at Rural Hill Road (unnumbered), south of Hickory Highlands Drive.

Existing Zoning

RS15 district/Res. PUD -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 existing PUD is approved for 140 single-family lots.

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

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

SUBAREA 13 PLAN POLICY

Residential Medium (RM) (current—1996 Plan) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Neighborhood General (NG) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single-family residential and public benefit activities. Residential development other than single-family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.

Policy Conflict - No. The proposed RM6 and RS10 districts are consistent with the existing RM policy calling for residential development at four to nine dwelling units per acre. The associated PUD amendment includes 92 single-family lots and 85 condominium units at an overall density of 4.2 dwelling units per acre.

The RM6 and RS10 districts are also consistent with the proposed NG policy calling for single-family residential development. Since there is not a detailed neighborhood design plan for this area, the associated PUD plan will serve as the plan for this area, allowing for a mixture of residential housing types.

RECENT REZONINGS - No.

TRAFFIC - Based on the proposed PUD plan for this site, approximately 1,378 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings - A traffic impact study was submitted and the Public works Department had the following recommendations:

1. The entrance to the project shall be constructed at the crest of a vertical curve in a manner to maximize sight distance. Adequate sight distance shall be provided per A Policy on Geometric Design of Highways and Streets published by AASHTO.
2. Construct an 11’ wide, 100’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, southbound left turn lane on Rural Hill Road at the project entrance.
3. Construct an 11’ wide, 100’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Rural Hill Road at the project entrance.
4. The project entrance to Rural Hill Road shall consist of one 12’ wide eastbound lane, one 11’ wide westbound left turn lane, and one 12’ wide westbound right turn lane. These lanes shall be a minimum of 100’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.

CONDITIONS - The traffic engineer’s recommendations have been included with the associated PUD, 28-79-U-13.

SCHOOLS

Students Generated	<u>24</u> Elementary	<u>17</u> Middle	<u>13</u> High
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Schools Over/Under Capacity - Students will attend J.E. Moss Elementary School, Apollo Middle School, and Antioch High School. Apollo Middle School and Antioch High School have been identified as being overcrowded by the Metro School Board. Multi-family development generates fewer students than single-family houses.

***The existing PUD is approved for 140 single family lots, which would generate the following number of students.

***Students Generated 27 Elementary 19 Middle 16 High

Approved (10-0, Consent Agenda)

Resolution No. 2003-183

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2003Z-070U-13 is **APPROVED. (10-0)**"

- 23. **28-79-U-13**
 Hickory Highlands, Phase 5
 Map 149, Parcel 228
 Subarea 13 (1996)
 District 28 (Alexander)

A request to amend a phase of the Residential Planned Unit Development located abutting the northwest margin of Rural Hill Road and the eastern margin of Moss Road, classified R15 and proposed for RM6 and RS10, (42.67 acres), to permit the development of 92 single-family lots and 85 condominium units to replace the approved and undeveloped 140 single-family lots, requested by Dale and Associates, for Wilson Stevenson, owner. (See Zone Change Proposal No. 2003Z-070U-13 above).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD

Final PUD Amend PUD Cancel PUD

A request to amend the existing PUD district to develop 92 single-family lots and 85 condominium units at Rural Hill Road (unnumbered), south of Hickory Highlands Drive.

This proposal is an amendment, requiring Metro Council approval, since it increases the number of units beyond that last approved by the Metro Council.

Proposed Zoning

RM6 and RS10 - See staff report for 2003Z-070U-13

PLAN DETAILS - This proposal is to amend the existing Residential PUD district to permit 92 single-family lots and 85 condominium units (townhomes), replacing 140 undeveloped single-family lots. This plan was originally approved in 1979 as part of a large PUD which included approximately 2,070 residential units, including, townhomes, apartments, and single-family dwellings on the east and west sides of Rural Hill Road.

Collector Road - The proposed PUD plan provides a collector road for a future connection between Rural Hill Road and Richards Road. This road has always been proposed as part of this phase of development. This plan relocates the road from the western property line to the center of the site to better fit the topographic conditions.

Topography/Critical Lots - This site contains severe topography. The applicant will be required to meet the current Zoning Code's Hillside Development standards with any final PUD. Should the final PUD plan show any of the lots on areas greater than 25% slope, the plan must be redesigned to put these areas into common open space, with a possible loss of lots. This plan also proposes 43 critical lots due to steep topography. These lots will require an individual grading plan to be submitted by a registered engineer. The plans will be reviewed in accordance with the critical lot standards of the Subdivision Regulations prior to the issuance of a building permit for these lots.

TRAFFIC - Based on the proposed PUD plan for this site, approximately 1,378 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - A traffic impact study was submitted and the Public works Department had the following recommendations:

1. The entrance to the project shall be constructed at the crest of a vertical curve in a manner to maximize sight distance. Adequate sight distance shall be provided per A Policy on Geometric Design of Highways and Streets published by AASHTO.
2. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, southbound left turn lane on Rural Hill Road at the project entrance.
3. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Rural Hill Road at the project entrance.
4. The project entrance to Rural Hill Road shall consist of one 12' wide eastbound lane, one 11' wide westbound left turn lane, and one 12' wide westbound right turn lane. These lanes shall be a minimum of 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. If a council bill is requested it should include the following traffic conditions to be completed or bonded prior to final plat recordation.
3. The entrance to the project shall be constructed at the crest of a vertical curve in a manner to maximize sight distance. Adequate sight distance shall be provided per A Policy on Geometric Design of Highways and Streets published by AASHTO.
4. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, southbound left turn lane on Rural Hill Road at the project entrance.
5. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Rural Hill Road at the project entrance.
6. The project entrance to Rural Hill Road shall consist of one 12' wide eastbound lane, one 11' wide westbound left turn lane, and one 12' wide westbound right turn lane. These lanes shall be a minimum of 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Should the final PUD plan show any of the lots on areas greater than 25% slope, the plan must be redesigned to put these areas into common open space, with a possible loss of lots.

Approved with Conditions (10-0, Consent Agenda)

Resolution No. 2003-183

BE IT RESOLVED by the Metropolitan Planning Commission that the Planned Unit Development 28-79-U-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. If a council bill is requested it should include the following traffic conditions to be completed or bonded prior to final plat recordation.

3. The entrance to the project shall be constructed at the crest of a vertical curve in a manner to maximize sight distance. Adequate sight distance shall be provided per A Policy on Geometric Design of Highways and Streets published by AASHTO.
4. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, southbound left turn lane on Rural Hill Road at the project entrance.
5. Construct an 11' wide, 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Rural Hill Road at the project entrance.
6. The project entrance to Rural Hill Road shall consist of one 12' wide eastbound lane, one 11' wide westbound left turn lane, and one 12' wide westbound right turn lane. These lanes shall be a minimum of 100' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Should the final PUD plan show any of the lots on areas greater than 25% slope, the plan must be redesigned to put these areas into common open space, with a possible loss of lots."

24. 2003Z-071G-12

Map 183, Parcels 45, 98 and Portion of Parcels 1 and 2
 Subarea 12 (1997)
 District 31 (Knoch)

A request to change from R8 district to CS district properties at Hobson Drive (unnumbered), at the intersection of Hobson Drive and Old Hickory Boulevard, (66.34 acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner, and Cannon, Inc., applicant, for Century South Associates and B F Enterprises, Inc., owners. (See PUD Proposal No. 188-84-G-12 on page 8).

Staff Recommendation - Approval

APPLICANT REQUEST - Rezone 66.34 acres from R8 to CS northwest of the intersection of Old Hickory Blvd. and I-24

Existing Zoning

R8 zoning/PUD - Requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots. The existing PUD allows office/retail/showroom uses.

Proposed Zoning

CS zoning/PUD- Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses. The proposed PUD would allow a retail car dealership in this location.

SUBAREA 12 PLAN POLICY

Commercial Mixed Concentration (CMC) - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

This category is intended for existing and planned major concentrations of mixed commercial development that provide both consumer goods and services and employment, along with higher intensity residential development.

Residential Medium-High Density (RMH) - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate the most common types include attached townhomes and walk-up apartments.

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - None. Under the zoning ordinance prior to 1998 the underlying zone classification did not always reflect the actual uses of a PUD. This rezoning covers the commercial, non-residential portion of the existing, approved PUD. This rezoning would bring the underlying zoning more in line with the land use.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in the CS zoning, approximately 3,563 trip per day could be generated by a proposed car dealership as proposed in the PUD. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S FINDINGS - This is a revision to a previous PUD plan; conditions will need to be formulated for the new development plan.

CONDITIONS -Traffic conditions may be required after review by the Metro Traffic Engineer.

[See below for public hearing and Commission discussion. Zone Change Proposals 2003Z-071G-12 and 188-84-G-12 were heard on Public Hearing and discussed by the Commission together.]

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25. **188-84-G-12**
I-24 Century South
Map 174, Parcels 41, 42 and 78
Map 183, Parcels 1, 2, 45, 46 and 98
Subarea 12 (1997)
District 31 (Knoch)

A request to amend the Commercial and Residential Planned Unit Development located abutting the southwest corner of I-24 and Old Hickory Boulevard, classified CS, R8 and R20 districts, (399.57 acres), and proposed to expand the CS zoning to permit a new 95,000 square foot car dealership along with 871,000 square feet of retail, restaurant, motel and convenience uses and 1,974 residential units, requested by Barge, Waggoner, Sumner and Cannon, Inc., applicant, for Century South Associates and B F Enterprises, Inc., owners. (See Zone Change Proposal No. 2003Z-071G-12 on page 7).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

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

This is a request to amend the existing PUD to alter the numbers and square footages of various non-residential uses. The major change of note is to include a new car dealership in the Commercial Mixed Concentration (CMC) area of the PUD.

EXISTING PUD - The existing PUD calls for 90 townhouse units, 360 condominium units, 1,524 apartment units, a 210,000 square foot hotel, a 43,200 square foot hotel, 626,000 square feet of office space, 212,000 square feet of retail space, and 3,600 square feet of a gas/convenience market.

PROPOSED PLAN - The current proposal calls for the development of 90 townhouse units, 360 condominium units, 1,524 apartment units, 13,800 square feet of restaurant, 6,170 square feet of restaurant/retail, 231,000 square feet of retail, 3,600 square feet of a gas station/convenience market, a 90 room motel, a 93 room restaurant/motel, 512,000 square feet of office space, and a 95,000 square foot car dealership.

SUBAREA PLAN - The PUD is located in the CMC, RMH and RM land use policies of the Subarea 12 plan. The proposed car dealership is located in the CMC area.

TRAFFIC - According to the Traffic Impact Study the proposed development can be expected to produce 39,094

vehicle trips per day, (Trip Generation, 6th Edition, Institute of Transportation Engineers), which is a slight reduction from the traffic generation of 39,790 for the previously approved PUD.

Traffic Engineer's Findings - Off – site improvements listed below are required as part of the Traffic Impact Study.

CONDITIONS

Off-site Improvements

1. Signalization of the site access intersection on Old Hickory Blvd.
2. Widening of Old Hickory Blvd. south of Interstate 24.
3. Provision of dual left-turn lanes from Old Hickory Blvd. onto westbound Interstate 24.
4. Extension of the site access roadway to Old Franklin Road.
5. Provision of dual left-turn lanes from Firestone Parkway onto southbound Old Hickory Blvd.
6. Installation of an all-way STOP on Old Franklin Road at the site access intersection.
7. Provision of dual left-turn lanes from the Interstate 24 off-ramp onto southbound Old Hickory Blvd.

OTHER CONDITIONS

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.

Mr. Reed stated staff recommends approval.

Ms. Nancy Watson, resident of Craftwood Drive, asked for commission to disapprove zoning and PUD in order to keep area residential. Ms. Watson cited traffic concerns as a major reason.

Mr. Bill Lockwood addressed traffic issued and cited study done in 2000, with plans to update Old Hickory Blvd.

Ms. Denise Kurdo, resident of Craftwood Drive, speaking against proposals and asked for trees to be conserved at the least.

Mr. Keith Littrell, resident, speaking against zone change.

Councilman Summers asked commission and staff about possible new buffer requirements.

Ms. Nielson motioned and Mr. McLean seconded the motion to approve. (9-0)

Resolution No. 2003-184

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2033Z-071G-12 is **APPROVED. (9-0)**"

Resolution No. 2003-185

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development Overlay Proposal No. 188-84-G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

Off-site Improvements

1. Signalization of the site access intersection on Old Hickory Blvd.
2. Widening of Old Hickory Blvd. south of Interstate 24.
3. Provision of dual left-turn lanes from Old Hickory Blvd. onto westbound Interstate 24.
4. Extension of the site access roadway to Old Franklin Road.
5. Provision of dual left-turn lanes from Firestone Parkway onto southbound Old Hickory Blvd.
6. Installation of an all-way STOP on Old Franklin Road at the site access intersection.
7. Provision of dual left-turn lanes from the Interstate 24 off-ramp onto southbound Old Hickory Blvd.

OTHER CONDITIONS

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.”

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- 26. 2003Z-072G-06**
Map 126, Parcel 44
Subarea 6 (1996)
District 23 (Bogen)

A request to change from RS15 district to RS10 district property at Newsom Station Road (unnumbered), abutting the northern margin of Newsom Station Road, (38.31 acres), requested by Cecil D. Branstetter, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 38.3 acres from residential (RS15) to residential (RS10), for property located west of the Riverwalk PUD and north of the CSX railroad tracks.

Existing Zoning

RS15 -RS15 zoning is intended for single-family homes at 2.47 dwelling units per acre. Current zoning would permit 95 residential lots.

Proposed Zoning

RS10 - RS10 zoning is intended for single-family homes at 3.7 dwelling units per acre. Proposed zoning would permit 142 residential lots.

BELLEVUE COMMUNITY PLAN (SUBAREA 6)

Residential Low Medium (RLM) - The RLM policy was added to this tract – as well as the Riverwalk and Boone Trace residential PUD areas with the Bellevue Community Plan Subarea 6 update that was adopted by the Planning

Commission on February 13, 2003. RLM 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 residential, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - No. The applicant has proposed a conventional cluster-lot subdivision consisting of 108 single-family lots in conjunction with this requested zone change. In choosing this type of subdivision in lieu of a PUD, the applicant is aware that he must meet all standard Metro Code requirements that are often mitigated through the PUD process.

TRAFFIC IMPACTS - This property will be accessed through the existing Riverwalk PUD, which was approved with a bridge over the CSX Railroad tracks and a stub-street into this property. The Riverwalk PUD has direct access to Newsom Station Road.

Based on a single-family use in the RS10 district, approximately 1,359 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996)

Traffic Engineer's Findings - Approve

SCHOOLS

Students Generated 18 Gower Elementary 14 Hill Middle 12 Hillwood High School

Schools Over/Under Capacity - The Metro School Board has identified Hill Middle School as being over capacity at this time. That school is currently using two portable classrooms.

Approved (10-0, Consent Agenda)

Resolution No. 2003-186

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-072G-06 is **APPROVED. (10-0)**"

-
27. **2003Z-073U-13**
 Map 163, Parcel 122
 Subarea 13 (1996)
 District 28 (Alexander)

A request to change from R8 district to MUL (19.17 acres) and RM9 (81.10 acres) districts property at Bell Road (unnumbered), abutting the eastern margin of Bell Road, (100.27 acres), requested by Mohsen Malakacti of Artech, Inc., applicant, for R. T. and Wm. S. Cochran, co-trustees. (See UDO Proposal No. 2003UD-003U-13 on page 9).

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 19.17 acres from residential (R8) to mixed-use limited (MUL) and 81.1 acres from residential (R8) to residential multi-family (RM9), for property located along the east side of Bell Road, north of Mt. View Road.

Existing Zoning

R8 district - R8 zoning requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots. The current zoning on this property could potentially yield 464 residential lots, of which 116 could be duplex lots. An approval PUD overlay for the property, however, permits up to 1,272 multi family units and up to 20,970 square feet of commercial uses. That PUD is being cancelled in conjunction with the adoption of this zoning and the associated UDO.

Proposed Zoning

MUL district - Mixed-Use Limited zoning is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

RM9 district - RM9 zoning is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The area requested to be zoned RM9 could potentially yield 730 units.

SUBAREA 13

RMH (Residential Medium High) (Current Plan –Adopted 1996) - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhouses and walk-up apartments. This particular policy area, within the Subarea 13 Plan, promotes development and densities necessary to support the proposed commuter rail line. Existing development is in the 15 to 20 units per acre density range. With the exception of Bell Forge Village, development in this area at the middle to high end of the density range is appropriate.

OC (Office Concentration) (Current Plan –Adopted 1996) - OC policy is intended for existing and future large concentrations of office development. The predominant uses in OC policy are offices. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use. The Subarea 13 Plan states that this particular area of OC needs to development in accordance with the standard OC policies.

Residential Medium (RM) (2003 Draft Plan) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Neighborhood General (NG) (2003 Draft Plan) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.

Neighborhood Center (NC) (2003 Draft Plan) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Policy Conflict - No. The applicant is requesting adoption of an Urban Design Overlay (UDO) in conjunction with the requested rezoning. A UDO proposes a detailed development plan; but in addition, proposes all associated design criteria required to implement that plan. The applicant is proposing a mixed-use environment where residential densities are at the medium-high to high end of the density range along with office, retail, and other limited commercial services within close proximity to the housing units.

TRAFFIC IMPACTS - Based on typical uses in the MUL district, traffic generation could range from 2,772 to 75,112 vehicle trips per day based upon uses ranging from general office to general retail to a sit-down restaurant. Based on the proposed multi-family use, at a zone district of RM9, 730 units could yield between 4,000 and 5,000 trips per day based upon low-rise apartment units and townhouses in a combined setting. (Institute of Transportation Engineers, 6th Edition, 1996)

Traffic Engineer's Findings - "The plan as presented lacks sufficient detail to determine the traffic impacts and mitigations. We recommend that consideration of approval of this plan be deferred until such time as the developer provides sufficient information to access the impacts of the proposal.

In addition, there are several intersections that will be affected by this project that are currently operating at an unacceptable level of service. This situation will be aggravated by the proposed development. There are no funded projects to correct this situation nor is the developer proposing to correct the situation. Therefore, we recommend that action be deferred indefinitely until this situation is corrected.

However, if the Planning Commission proceeds with consideration of this proposal, we recommend the following conditions:

1. Baby Ruth shall be constructed as a 60' wide collector.
2. The internal roadway from Bell Road to Baby Ruth shall be constructed as a 60' wide collector.
3. The design of the roundabouts on the internal roadway from Bell Road to Baby Ruth shall be approved by Public Works.
4. All public roadways shall be designed per existing Public Works standards.
5. Where bicycle lanes are provided, the standard roadway width shall be increased by 8'.
6. The project entrance to Bell Road shall consist of one 12' wide eastbound lane, one 11' wide westbound left turn lane, and one 12' wide westbound right turn lane. These lanes shall be a minimum of 350' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Construct an 11' wide, 150' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Bell Road at the project entrance.
8. Install a traffic signal on Bell Road at the project entrance.
9. Sidewalks will be provided throughout the project to provide continuous connectivity to the sidewalks on Bell Road."

SCHOOLS

Students Generated 100 J.E. Moss Elementary 71 Apollo Middle School 57 Antioch High School

Schools Over/Under Capacity - The Metro School Board has identified Apollo Middle School and Antioch High School as being over capacity at this time. Apollo Middle School is currently using 18 of 21 portables for classrooms and Antioch High School currently has 10 portables but does not show them being used for classrooms at this time.

*****Existing PUD** - Under the existing PUD, approved for 1,272 units, the following number of students would be generated:

***** 88 J.E. Moss Elementary 62 Apollo Middle School 50 Antioch High School**

CONDITIONS - See the associated UDO, 2003UD-003-13, for conditions.

[See below for public hearing and Commission discussion. Zone Change Proposals 2003Z-073U-13, Urban Design Overlay 2003UD-003U-13, and Planned Unit Development 96P-012U-13 were heard on Public Hearing and discussed by the Commission together.]

28. 2003UD-003U-13
Ridgeview
Map 163, Parcel 122
Subarea 13 (1996)
District 28 (Alexander)

A request to apply the Urban Design Overlay (UDO), District to properties located abutting the east margin of Bell Road, north of Bell Forge Lane, classified R8 and proposed for RM9 and MUL, (100.27 acres), to permit the development of 936 residential units, including 256 live/work units, 210 flats, 192 townhomes, 142 patio homes, 136 single-family, and a mixed-use town center, requested by Dale and Associates, for Rob Cochran, owner. (See Zone Change Proposal No. 2003Z-073U-13 on page 8).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

X UDO ___ Revised Preliminary ___ Revised Preliminary & Final UDO

___ Final UDO ___ Amend UDO ___ Cancel UDO

Request for an Urban Design Overlay to allow for the development of a mixture of building types (not to exceed 936 total units), including live/work units, stacked flats, attached townhouses, and detached single family houses on a 110-acre site. The property is located on Bell Road in Hickory Hollow.

URBAN DESIGN OVERLAY

Section 17.36.270 - The purpose of the urban design overlay district is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes the intrusion of the automobile into the urban setting and provides for the sensitive placement of open spaces in relation to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Ordinance.

The urban design overlay enables the creation of a mixed-use, mixed-income, walkable neighborhood through a mixture of building types and an interconnected compact form. The overlay is different than a typical planned unit development because it allows for the better integration of different uses, building types, and streets, which work together to form a cohesive environment. Furthermore, design standards for streets, buildings, open space, landscape, and streetscape components are specific to the site and intent of the overlay, therefore contributing to the desired end result.

PLAN DETAILS - The applicant’s plan proposes a mixture of building types with the total number of units not to exceed 936. The plan is an interconnected network of streets with formal open spaces strategically placed throughout the development as well as informal open spaces that preserve natural drainage areas and steep slope areas. More intense building types such as live/work, stacked flats, and townhouses front formal open spaces and frame local centers of activity. Blocks, streets, and buildings become less intense the further they are from the centers. The plan is divided into two areas. The larger of the two areas is laid out along an existing ridge. The ridge is preserved for public open space. The smaller of the two areas wraps around the bottom of the ridge and is separated from the larger area by a natural drainage pattern that is to be preserved. Ingress and egress to the site will be provided via direct access off Bell Road and Baby Ruth Lane. Future connections are provided to the north into the Hoover property.

TRAFFIC ENGINEER’S FINDINGS - The plan as presented lacks sufficient detail to determine the traffic impacts and mitigations. We recommend that consideration of approval of this plan be deferred until such time as the developer provides sufficient information to assess the impacts of the proposal.

In addition, there are several intersections that will be affected by this project that are currently operating at an unacceptable level of service. This situation will be aggravated by the proposed development. There are no funded projects to correct this situation nor is the developer proposing to correct the situation. Therefore, we recommend that action be deferred indefinitely until this situation is corrected.

However, if the Planning Commission proceeds with consideration of this proposal, we recommend the following conditions (as outlined below)

CONDITIONS

1. Baby Ruth shall be constructed as a 60’ wide collector.
2. The internal roadway from Bell Road to Baby Ruth shall be constructed as a 60’ wide collector.
3. The design of the roundabouts on the internal roadway from Bell Road to Baby Ruth shall be approved by Public Works.
4. All public roadways shall be designed per existing Public Works standards.
5. Where bicycle lanes are provided, the standard roadway width shall be increased by 8’.
6. The project entrance to Bell Road shall consist of one 12’ wide eastbound lane, one 11’ wide westbound left turn lane, and one 12’ wide westbound right turn lane. These lanes shall be a minimum of 350’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.

7. Construct an 11' wide, 150' long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Bell Road at the project entrance.
8. Install a traffic signal on Bell Road at the project entrance.
9. Sidewalks will be provided throughout the project to provide continuous connectivity to the sidewalks on Bell Road.

[See below for public hearing and Commission discussion. Zone Change Proposals 2003Z-073U-13, Urban Design Overlay 2003UD-003U-13, and Planned Unit Development 96P-012U-13 were heard on Public Hearing and discussed by the Commission together.]

- 29. 96P-012U-13**
 The Cochran Property
 Map 163, Parcel 122
 Subarea 13 (1996)
 District 28 (Alexander)

A request to cancel the undeveloped Residential and Commercial Planned Unit Development located abutting the east margin of Bell Road, north of Bell Forge Lane, classified R8, (100.27 acres), approved for a 100,000 square foot office building and 1,272 residential units, requested by Dale and Associates, for Rob Cochran, owner.

Staff Recommendation - Approve

APPLICANT REQUEST

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

Cancel the Cochran Property residential and commercial PUD, located east of Bell Road and north of Mt. View Road.

DETAILS OF REQUEST

History - The approved preliminary PUD plan approved by Metro Council in 1996 allowed for the development of 1,272 multi-family units and 20,970 square feet of commercial.

The site was never developed and has remained vacant.

Proposed Plan - The current applicant is seeking this PUD cancellation because of a requested rezoning and adoption of an Urban Design Overlay (UDO) for the 100.27-acre site. This UDO provides a detailed plan for the mixed-use community as well as design criteria and codes that will be used in the implementation and build-out of the community.

Preston Mitchell stated staff recommends approval.

Mr. Kevin Estes, engineer with Dale & Associates, asked the commission to approve.

Mr. Gary Batson, property owner on Baby Ruth Lane, asked commission for a deferral.

Mr. Kevin Burg, Baby Ruth Lane resident, expressed traffic concerns.

Mr. Rob Cochran, member of family involved with project, expressed thanks and made available for questions.

Mr. Small commended staff on presentation.

Mr. Bernhardt expressed thanks to developer for working with staff on project.

Ms. Neilson moved and Mr. McLean seconded to adopt staff recommendation to APPROVE Zone Change 2003Z-073U-13, APPROVE WITH CONDITONS UDO 2003UD-003U-13, and APPROVE cancellation of PUD 96P-012U-13. (9-0)

Resolution No. 2003-187

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-073U-13 is **APPROVED. (9-0)**”

Resolution No. 2003-188

“BE IT RESOLVED by the Metropolitan Planning Commission that Urban Design Overlay No. 2003UD-003U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Baby Ruth shall be constructed as a 60’ wide collector.
2. The internal roadway from Bell Road to Baby Ruth shall be constructed as a 60’ wide collector.
3. The design of the roundabouts on the internal roadway from Bell Road to Baby Ruth shall be approved by Public Works.
4. All public roadways shall be designed per existing Public Works standards.
5. Where bicycle lanes are provided, the standard roadway width shall be increased by 8’.
6. The project entrance to Bell Road shall consist of one 12’ wide eastbound lane, one 11’ wide westbound left turn lane, and one 12’ wide westbound right turn lane. These lanes shall be a minimum of 350’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Construct an 11’ wide, 150’ long plus taper, per A Policy on Geometric Design of Highways and Streets published by AASHTO, northbound right turn lane on Bell Road at the project entrance.
8. Install a traffic signal on Bell Road at the project entrance.
9. Sidewalks will be provided throughout the project to provide continuous connectivity to the sidewalks on Bell Road.”

Resolution No. 2003-189

“BE IT RESOLVED by the Metropolitan Planning Commission that the PUD No. 96P-012U-13 is **APPROVED. (9-0)**”

IX. PRELIMINARY SUBDIVISION PLATS

- 30. 2003S-036G-14**
 Tulip Grove Pointe
 Map 86, Parcels 95, 96, 97 and 99
 Subarea 14 (1996)
 District 12 (Ponder)

A request for preliminary plat approval for 115 lots abutting the west margin of Tulip Grove Road, approximately 1,475 feet north of Rockwood Drive, (30.56 acres), classified within the RS7.5 district, requested by Universal Builders, owner/developer, MEC, Inc., surveyor.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 30.56 acres into a 115-lot cluster subdivision, located on the west margin of Tulip Grove Road, approximately 1,475 feet north of Rockwood Drive, at a proposed density of 3.76 dwelling units per acre.

RS7.5 ZONING -The RS7.5 district requires a minimum lot size of 7,500 square feet.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS7.5 (minimum 7,500 square foot lots) to RS3.75 (minimum 3,750 square foot lots). In return, the subdivision design should show the preservation of natural features and shall use the standards for development of single-family lots in hillside areas as set out in Chapter 17.28.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The amount of open space required for this cluster lot subdivision is 4.58 acres. The applicant allows for 9.17 acres (30%) of open space, exceeding the minimum open space requirements. The applicant is utilizing the cluster lot option and is providing additional open space.

CRITICAL LOTS - Section 17.28.030 (2) requires cluster lots to be clustered on those portions of the site that have natural slopes of less than 20%. The section further states, "large contiguous areas containing natural slopes in excess of 25% should be recorded as common open space and permanently maintained in a natural state."

This property contains hillsides with a 25% or greater slope. The submitted plan shows these areas located within common open space and lots. The Zoning Code states that the "Planning Commission may authorize lots on natural slopes ranging up to 25%, subject to the special standards and conditions." The conditions include the lot be designated as a "critical lot" on the final plat of subdivision. A critical lot requires Metro agencies to review each individual lot for grading and building placement, to minimize the impact on environmentally sensitive areas.

It is required that critical lot plans be approved by the Planning Commission prior to obtaining a building permit. No clearing or grading may take place prior to approval of the critical lot plan.

SUBDIVISION DETAILS

Street Layout and Design Access to Tulip Grove Pointe proposed to intersect with Tulip Grove Road. The Major Street Plan identifies Tulip Grove Road as an urban arterial road, U4. Right-of-way (ROW) for a U4 road is 84 feet with 64 feet of pavement. Tulip Grove Road currently has 50 feet of right of way and pavement width of approximately 20-22 feet. Currently, North New Hope Road is not built to Public Works standards. The applicant is dedicating the required 5 feet of ROW along the roadway and reserving 12 feet for future expansion.

The plat proposes four stub-out streets to adjacent properties for future development.

Blue –Line Stream and Ponds - There is an existing blue-line stream located along the north edge of this property. A 50-foot buffer is required and provided located in the common open space of Tulip Grove Pointe.

TRAFFIC

Traffic Study Submitted - Yes

1. Construct a northbound 11' left turn ln on Tulip Grove road at project access intersection with 150' of storage length and taper per AASHTO standards. Widen existing lanes on Tulip Grove to 11' each along project frontage.
2. Construct 2 exiting 11' lanes for separate right turns and left turns on the project access road.

CONDITIONS

1. Lots 26, 27, 29, 53, 103 and 109 shall be removed from the plat and incorporated into the open space areas and or adjacent lots.
2. All lots having an up slope greater than 15%, a down or cross slope greater than 20% or including any slope greater than 25% shall be designated as critical.
3. Critical lots require Planning Commission approval prior to the issuance of building permits and a letter from an engineer regarding the foundation shall be provided for each lot.
4. A revised plat shall be submitted prior to the meeting showing the critical lot designations and the adjusted lots.
5. Construct a northbound 11' left turn In on Tulip Grove road at project access intersection with 150' of storage length and taper per AASHTO standards. Widen existing lanes on Tulip Grove to 11' each along project frontage.
6. Construct 2 exiting 11' lanes for separate right turns and left turns on the project access road.

Ms. Scott stated staff recommends approval with conditions.

Resident of property adjacent to parcels asked commission about wildlife conservation and school overcrowding.

Mr. Collins spoke on behalf of developer to state all requirements of staff have been met.

Mr. Tom White represented the applicant and assured commission all requests have been met.

Ms. Neilson moved and Councilman Small seconded the motion to approve the staff recommendation of approval with conditions. (9-0)

Resolution No. 2003-190

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision Plat Proposal No. 2003S-036G-14, Tulip Grove Pointe, is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Lots 26, 27, 29, 53, 103 and 109 shall be removed from the plat and incorporated into the open space areas and or adjacent lots.
2. All lots having an up slope greater than 15%, a down or cross slope greater than 20% or including any slope greater than 25% shall be designated as critical.
3. Critical lots require Planning Commission approval prior to the issuance of building permits and a letter from an engineer regarding the foundation shall be provided for each lot.
4. A revised plat shall be submitted prior to the meeting showing the critical lot designations and the adjusted lots.
5. Construct a northbound 11' left turn In on Tulip Grove road at project access intersection with 150' of storage length and taper per AASHTO standards. Widen existing lanes on Tulip Grove to 11' each along project frontage.
6. Construct 2 exiting 11' lanes for separate right turns and left turns on the project access road.”

-
31. **2003S-089U-05**
McFerrin Place
Map 82-8, Parcel 103
Subarea 5 (1994)
District 5 (Hall)

A request for preliminary plat approval for nine lots abutting the west margin of McFerrin Avenue, approximately 168 feet south of Seymour Avenue, (2.09 acres), classified RS5 Urban Zoning Overlay District, requested by Harakas Construction, Inc., owner/developer, Batson and Associates Engineering, Inc., surveyor. (Deferred from meeting of April 24, 2003).

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 2.09 acres into 9 lots, located abutting the west margin of McFerrin Avenue, approximately 168 feet south of Seymour Avenue.

ZONING

RS5 Zoning - RS5 district requires a minimum lot size of 5,000 square feet. The proposed lots range in size from 5,000 sq. ft. to 5,753 sq. ft.

SUBDIVISION DETAILS - The area located north of the proposed McFerrin Court will also be dedicated as right-of-way so the existing properties that abut this proposal will have access to McFerrin Court and any public utilities located within.

McFerrin Court is approximately 630-feet and falls within the permitted length for a street with a turnaround (2-6.2.1. G).

ISSUES RAISED ON 4/24/03

Comparability - Comparability is usually not applied when a new street is being proposed. In this case, there was an interest among the planning commission about how compatible the proposed lots are. The outcome of a study indicated a minimum lot size of 6,018 sq. ft. and a minimum frontage of 48 ft. Except for the 3 lots in the cul-de-sac, all would pass lot frontage with approximate frontages of 54 ft. All lots would fail comparability for minimum lot size.

Distance Between Intersections - Public Works did not identify any problem with distance between street intersections when they reviewed this plat. When they receive construction plans they will examine roadway design details closely and ensure that construction plans meet Metro requirements.

For intersection designs for minor local, local, and collector streets, the centerline of offset intersections (T-type) must be at least 150 feet apart for local streets, and 300 feet for collectors. [2-6.2.1.H(2)]

Zoning History - This property was rezoned to RS5 in the 1998 city-wide zoning update. Previous to 1998 this property was zoned R6.

Public Works Recommendation - No exceptions taken.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.

Ms. Fuller stated staff recommendation is to approve with conditions.

Mr. Terry Hunter, resident of Seymour Ave, spoke against development.

D.J. Robinson, resident, expressed concerns about new development and is concerned about dead end street and asked commission to disapprove in order to give community and developer time to reevaluate.

Ms. Alice Sloss, Chickamauga resident, expressed traffic concerns already present.

Mr. Percy Thomason, resident for 40 years, stated concerns on past flooding and how a new development may increase flooding moreso.

Mr. Gary Batson, with Batson & Associates, the developer, and stated a meeting was held with homeowner's association. Has promised all regulations will be met.

Mr. Wade Berryman, Seymour Ave resident, concerned about safety issues from previous meeting, cited incorrect measurements of intersections.

Ms. Vera Copeland, resident, stated lots are not big enough for number of homes, and asked for compromise.

Councilman Summers expressed concerns on double frontage and lot comparability issues.

Mr. Clifton supported the motion to disapprove, based on evidence of measurements to streets.

Mr. Kleinfelter addressed the commission in regards to the recommendation process of staff, stating staff bases their recommendation on information submitted by other agencies, and cannot guarantee correctness of other department submissions.

Councilman Summers moved and Commissioner Nielson seconded the motion to disapprove. (7-2)

Resolution No. 2003-191

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision Plat Proposal No. 2003S-089U-05, McFerrin Place, is **DISAPPROVED. (7-2-0)**”

- 32. **2003S-117U-12**
 Olde Oaks
 Map 147-8, Parcel 138
 Map 147-12, Parcel 29 and Part of Parcel 105
 Subarea 12 (1997)
 District 26 (Arriola)

A request for preliminary plat approval for 41 lots abutting the north margin of Haywood Lane, approximately 250 feet west of Faulkner Lane, (14.17 acres), classified within the RS10 district, requested by Global Development, Inc., owner/developer, MEC, Inc., surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 14.17 acres into 41 lots, located on the north margin of Haywood Lane, approximately 250 feet west of Faulkner Drive.

ZONING

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

SUBDIVISION DETAILS

This plan includes lots greater than 10,000 square feet, which is consistent with the RS10 zoning on the property. It also provides a utility and drainage open space area for a stormwater quality pond, as required by the Metro Stormwater Regulations.

A 5-foot right-of-way dedication and construction of curb, gutter and sidewalk is required on Haywood Lane. An additional 17 feet of right-of-way will be reserved for future roadway expansion needs.

The proposed plan includes 41 single-family lots and a stub street to the west, providing the opportunity for future subdivisions to connect to this subdivision. This will provide alternative access points to Haywood Lane in the future.

Since this plan provides a stub street for future connection, staff does not believe there is a need for a variance to the Subdivision Regulations for the length of a dead-end street.

CONDITIONS

Prior to or in conjunction with any final plat, a revised plan showing sidewalks along the frontage of Haywood Lane must be submitted.

Ms. Fuller stated staff recommends approval with conditions.

Amelia Warren, Haywood Lane resident, stated opposition to subdivision in its present form, and expressed disappointment in lack of communication with developer.

Mr. Hank Jones, Haywood Lane resident, against subdivision and expressed concerns of lowering property value.

Mr. Doris Smith, Haywood Lane resident, spoke against subdivision.

Mr. Jerry Seddeth, Haywood Lane resident, spoke against subdivision due to traffic congestion on poor two lane road.

Mr. Tom White, attorney, asked commission to approve based on developer meeting all requirements.

Mr. Martin Workman, Haywood Lane asked commission to disapprove subdivision due to traffic congestion.

Councilman Summers questioned stub-out.

Mr. Kleinfelter clarified the stub-out meets subdivision regulations.

Mr. Small questioned staff regarding water pressure; Water Services recommended approval.

Mr. Kleinfelter reminded the commission the Planning Staff must base recommendations on other agency submissions.

Mr. McLean moved and Mr. Clifton seconded the motion to approve the staff recommendation of approval with conditions. (9-0)

Resolution No. 2003-192

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision Plat Proposal No. 2003S-117U-12, Olde Oaks, is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

Prior to or in conjunction with any final plat, a revised plan showing sidewalks along the frontage of Haywood Lane must be submitted.”

-
- 33. 2003S-118G-04**
Myatt Business Center (Odom Property)
Map 43, Parcels 38 and 40
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary plat approval for 4 lots abutting the east margin of Myatt Drive, approximately 450 feet south of Madison Industrial Drive, (21.32 acres), classified within the CS and IR districts, requested by ROA Investment Group, L. P., owner/developer, Ronald Ferguson, surveyor.

Deferred to June 12, 2003 meeting. (10-0)

X. FINAL PLATS

- 34. 2003S-113G-12**
Oakmont, Revision, Phase 3, 1st Revision
Map 172-5, Parcels 31-34 and 44-47
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to remove the sidewalks along lots 31-34 and 44-47, abutting both margins of Red Feather Lane, approximately 280 feet southwest of Grand Oak Way, (4.31 acres), classified within the R30 Residential Planned Unit Development District, requested by Tiara Development, L.L.C., Scott and Lori Winters, Fred and Donna Shanks, James and Alice Harris, Christopher Scarfone, Jill Bonovan, Teresa Ricks and Ryan Taylor, owners/developers, Wamble and Associates, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Replat Oakmont Subdivision Phase 3 to remove the sidewalk as originally platted and proposed along the west margin of Red Feather Lane up to lot 34 and continuing along the east margin of Red Feather Lane from lot 47 to 44.

ZONING- R30 district within a Residential PUD.

SUBDIVISION VARIANCES - At the time this PUD was approved in 1991, sidewalks were only required on one side of each street. Due to the topographic constraints, the applicant proposed the sidewalk on the west side of Red Feather Lane with a cross-over to the east side of the road to try to avoid the steeper topography.

(Sec. 2-6.1, Sidewalks) - The applicant is now requesting a sidewalk variance for reasons of topography and the location of an existing creek – and its associated drainage structures, finding that neither side will accommodate the construction of a sidewalk.

Should an applicant believe that the installation of sidewalks creates an undue hardship; a variance may be sought before the Planning Commission. In making a recommendation to the Planning Commission, staff has reviewed the four criteria outlined in the Metro Subdivision Regulations and determined that:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located. The traffic along Red Feather Lane appears to be existing residents only, and the roadway does not support usage by any other traffic.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- If the strict letter of these regulations were carried out, a particular hardship would be created for the following reasons: First, continuing the sidewalk from its current location (as of May 2003) across the fronts of lots 31 through 34 will require significant roadway and drainage improvements because the grade drops significantly from the roadway to the bottom of the creek – with banks six-plus feet deep on slopes greater than 25%. Second, installation of the sidewalk along lots 47 through 44 would require significant cutting into the upslope in order to meet ADA compliance.

- If granted, the variance will not vary from the provisions of the adopted General Plan, Major Street Plan, or Zoning Regulations.

Staff Recommendation - Staff recommends approval of the sidewalk variance based on staff response to the four criteria listed above.

TRAFFIC ENGINEER’S FINDINGS - No exceptions taken.

Mr. Mitchell stated staff recommends approval.

Mr. Small and Chairman Lawson discussed drainage in area.

Mr. Small moved and Mr. Clifton seconded motion to disapprove, motion did not carry.

Mr. Mitchell expressed concerns of applicant meeting ADA requirements if sidewalk is moved to east side of road.

Mr. Small discussed concerns regarding approval of preliminary plats and final plats.

Mr. Small moved and Councilman Summers seconded the motion to disapprove variance, but grant some form of flexibility to build sidewalk on either side of street. (9-0)-(8-1) Amended by MPC on 8/9/07 per Resolution # 2007-288

Resolution No. 2003-193

“BE IT RESOLVED by the Metropolitan Planning Commission that for Final Subdivision Plat No. 2003S-113G-12, Oakmont, Phase 3, First Revision, the Commission has **DISAPPROVED SIDEWALK VARIANCE, but APPROVED flexibility to allow applicant to move sidewalk to either side of roadway. (8-1)**”

XI. PLANNED UNIT DEVELOPMENTS (revisions, amendments/UDO Finals)

- 35. 36-76-G-14**
 Belle Acres, Section 2
 Map 95-2, Parcel 137
 Subarea 14 (1996)
 District 15 (Loring)

A request for a revision to the preliminary plan of the Residential Planned Unit Development located abutting the north margin of Lebanon Pike at Mill Creek, classified RS10, (34.12 acres), to permit the development of 74 multi-family units in Section 2, originally approved for 333 residential units overall, and with 55 residential units currently existing in Section 1, requested by Dale and Associates, for David Taylor, owner.

[See Item 2, No. 2003P-007U-14, for Public Hearing and Commission discussion.]

[Zone Change Proposal 2001Z-060U-1, PUD Proposal 2003P-007U-14, and PUD 36-76-G-14 were heard on Public Hearing and discussed by the Commission together.]

Mr. Sweat moved and Mr. Clifton seconded to defer consideration of Zone Change Proposal 2001Z-060U-14, PUD Proposal 2003P-007U-14, and PUD Proposal 36-76-G-14 two meetings, until July 10, 2003. (10-0)

- 36. 121-76-U-08**
 La Quinta Motor Inn (Metro Center)
 Map 81-4, Parcels 58, 61 and 68
 Subarea 8 (1995)
 District 20 (Haddox)

A request to cancel the Commercial Planned Unit Development located abutting the south margin of Dominican Drive, west of MetroCenter Boulevard, classified CS, (3.69 acres), approved for a 40,500 square foot motel and a 9,600 square foot restaurant, requested by AMEC, for St. Cecilia Congregation, owner.

Staff Recommendation - Approve

APPLICANT REQUEST

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

Cancel the LaQuinta Inn Commercial PUD to allow for the expansion of the adjacent St. Cecilia Dominican Convent.

DETAILS OF REQUEST

History On September 7, 1976 Metro Council approved (BL76-275) a preliminary PUD plan to allow for the development of a 122-unit motel and free-standing restaurant on the 3.69-acre site.

The motel has since closed and has remained vacant until recently. The adjacent St. Cecilia Dominican Convent recently purchased the motel and began using some portions as temporary office space.

Proposed Plan

The Motherhouse needs to expand their facilities by approximately 100,000 square feet. In order to meet their goal, the motel site needs to be incorporated into the convent to allow for site re-design of vehicular movement as well as simply allowing for more room for the 100,000-square foot addition – which is to be constructed on the east side of the existing facility. The motel will be demolished and the property consolidated into the convent site by means of a consolidation plat.

Approve (10-0, Consent Agenda)

Resolution No. 2003-193

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 121-76-U-08, La Quinta Motor Inn (Metro Center), is **APPROVED. (10-0)**”

- 37. **206-76-U-08**
 St. Luke Geriatric Center
 Map 81-2, Parcels 5 and 202
 Subarea 8 (1995)
 District 20 (Haddox)

A request to amend the Residential Planned Unit Development located abutting the east margin of Ed Temple Boulevard, south of Clarksville Pike, classified RM40, (5.41 acres), to permit the addition of a 22,642 square foot, 30 unit two story geriatric center to the existing 48 unit three story geriatric center and church, requested by Barge, Waggoner, Sumner and Cannon, for St. Luke Geriatric Center, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD

Final PUD Amend PUD Cancel PUD

Request to amend the preliminary master plan of the elderly housing portion of the commercial PUD to allow for the development of a two-story 22,642 square-foot multi-family facility for the elderly – which will consist of 30 units.

PLAN DETAILS

This PUD must be amended by the Metro Council because of the requested expansion in building square footage and living units.

The current PUD plan, approved by Metro Council in 1976, allowed for the development of the existing 10,818 square-foot St. Luke CME Church as well as for the existing 31,000 square-foot, 48-unit, multi-family facility for the elderly. The new development will be located just east of the existing facility in an expanded portion of parcel 202.

The existing housing facility has one point of ingress & egress onto Ed Temple Boulevard. The new facility will utilize this existing access point as well. An existing internal sidewalk network will be extended to the new development to allow for safe pedestrian movement into and around the building as well as to the existing bar-b-que pit area. Maximum allowable density for the PUD is 40 dwelling units per acre. The additional 30 units will bring the proposed density to 14.3 units per acre.

Traffic Engineer’s Findings

Metro Public Works states that a formal traffic impact study will not be required. It was determined that the additional units will generate a minimal number of trips and thus, a new TIS is not necessary. No exceptions taken.

CONDITIONS

1. A minimum 6-foot wall or fence must be provided along the southernmost portion of the parking area of the existing church (the area that abuts the existing residential lots).
2. Mechanical equipment, antennae or satellite dishes exceeding eighteen inches in diameter shall not be located within required landscape buffer yards or required front or side setbacks. Mechanical equipment or satellite dishes exceeding eighteen inches in diameter located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.
3. A final plat that corrects the revised lot lines needs to be recorded before the issuance of any building permits.
4. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
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.

Mr. Mitchell stated staff recommends approval with conditions.

Commissioner Neilson moved and Commissioner Small seconded motion to adopt staff recommendation to approve with conditions. (9-0)

Resolution No. 2003-194

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 206-76-U-08, St. Luke Geriatric Center, is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A minimum 6-foot wall or fence must be provided along the southernmost portion of the parking area of the existing church (the area that abuts the existing residential lots).

2. Mechanical equipment, antennae or satellite dishes exceeding eighteen inches in diameter shall not be located within required landscape buffer yards or required front or side setbacks. Mechanical equipment or satellite dishes exceeding eighteen inches in diameter located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.
3. A final plat that corrects the revised lot lines needs to be recorded before the issuance of any building permits.
4. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
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."

38. 82-77-U-08
 McQuiddy PUD
 Map 91-12, Parcels 200, 201 and 202
 Subarea 8 (1995)
 District 21 (Whitmore)

A request to amend the preliminary plan of the Commercial Planned Unit Development located abutting the northwest corner of Indiana Avenue and 40th Avenue North, classified MUL, (.779 acres), to permit the development of a 10,000 square foot retail building to replace the approved and undeveloped 11,000 square foot retail building, requested by Lowen + Trent, LLC, for Marie and Bobby McQuiddy, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST

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

This is a request to amend the existing PUD by relocating the parking area from the rear of the property to the front of the lot and moving the retail building from the R.O.W. line of 40th Ave. and Indiana Ave. to the rear of the property.

EXISTING ZONING

MUL-Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SUBAREA DESIGNATION

Neighborhood Center (NC) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Setbacks are to be shallow or non-existent. Buildings are to be alley-loaded with parking located to the rear or side of a building, not in front of it.

PLAN DETAILS - Applicant requests an amendment to the approved PUD to relocate parking to the front of the lot, decrease the size from 11,000 square feet to 10,000 square feet and relocate the retail building to the rear of the property. The Subarea 8 plan (sec. 3.7.00.B) and the Urban Zoning Overlay (secs. 17.12.035.A.1-4) specify minimal to zero setbacks from the R.O.W. for commercial buildings in this area fitting that meet several criteria: corner lots, lots constituting >50% of block faces, non-conforming setbacks of buildings on adjacent lots and of

buildings on other corners of the intersection. This request is not in conformance with the subarea plan or the Urban Zoning Overlay.

TRAFFIC - The proposal could be expected to generate 407 trips per day. (Institute of Transportation Engineers, 6th Edition, 1996.) More or less traffic could be generated based on different types of development and densities.

TRAFFIC ENGINEER'S FINDINGS - No exceptions taken.

CONDITIONS

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
4. Alley #1204 needs to be formally closed prior to final plat.

Mr. Reed stated staff recommends disapproval.

Mr. James Lowen, with Lowen & Trent, representing the applicant, explained layout reasoning and asked commission to approve.

Mr. Bobby McQuiddy, property owner, addressed the commission and asked for approval to allow shopping for residents.

Mr. Small asked about requirements for an overlay, yet cited owner's issues for security.

Mr. Bernhardt spoke to commission in regards to possibly changing the area plan due to past proposals and continuing actions.

Mr. McLean moved and Mr. Sweat seconded motion to approve...

Councilman Summers moved and Ms. Nielson seconded the motion to disapprove. (5-4)

Resolution No. 2003-195

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 82-77-U-08, McQuiddy PUD, is **DISAPPROVED. (5-4-0)**"

-
- 39. 98-85-P-14**
Woodland Point, Phase 8
Map 121, Parcel 74
Subarea 14 (1996)
District 13 (Derryberry)

A request for final approval for a phase of the Residential Planned Unit Development located abutting the east margin of Bell Road and the north margin of Woodland Pointe, classified RM9, (4.98 acres), to permit the development of 54 multi-family units, requested by Land Design Inc., for Bell Road Development Company G.P., owner.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

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

This request is for final PUD approval for Phase 8 of the Residential PUD district to 54 condominium units along the north side of Woodland Point Drive.

PLAN DETAILS - The proposed plan is consistent with the approved overall master development plan calling for multi-family development in Phase Eight, while the Planning Commission approved a revision to the preliminary plan on February 27, 2003. That plan only made minor changes to the layout of this phase of the development. The preliminary PUD plan is currently approved for 740 total units in 11 phases, including 54 multi-family units in Phase Eight, 468 multi-family units in other phases and 218 single-family lots.

TRAFFIC ENGINEER'S FINDINGS - No exceptions taken

CONDITIONS

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits for any unit in Phase 8, a traffic count study must be completed by a certified traffic engineer. If the study shows that a traffic signal is warranted, the signal must be installed at the entrance to the PUD at Bell Road by the developer prior to the Use and Occupancy permit for the first unit in Phase 8.

Approve with conditions (10-0, Consent Agenda)

Resolution No. 2003-196

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98-85-P-14, Woodland Point, Phase 8, is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits for any unit in Phase 8, a traffic count study must be completed by a certified traffic engineer. If the study shows that a traffic signal is warranted, the signal must be installed at the entrance to the PUD at Bell Road by the developer prior to the Use and Occupancy permit for the first unit in Phase 8."

-
- 40. 62-87-P-06**
Summit Oaks, Phase 5
Map 142, Parcel 243
Subarea 6 (1996)
District 23 (Bogen)

A request for final approval for a phase of the Residential Planned Unit Development located abutting the eastern margin of Summit Oaks Drive, west of Old Hickory Boulevard, classified R15, RS20 and OL (4.49 acres), to permit the development of seven single-family lots, requested by Barge, Waggoner, Sumner and Cannon, for Greater Middle TN Development Partnership, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

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

Request for final PUD approval to permit the development of seven single-family lots on a 4.49-acre tract that was added to the PUD, by Metro Council approval, on March 21, 2003.

Existing Zoning

R15 zoning - The R15 district is intended for single and two-family residential development, requiring minimum lot sizes of 15,000 square feet.

RS20 zoning - The RS20 district is intended for single-family residential development, requiring minimum lot sizes of 20,000 square feet.

OL zoning - The OL district is intended for moderate intensity office development.

Traffic Engineer’s Findings - Approve

PLAN DETAILS - The land being added to the PUD includes 2.28 acres zoned R15 and 2.21 acres zoned OL. Section 17.36.060(C) of the Metro Zoning Code allows the location of uses allowed by base zoning within a PUD to vary from the conventional zoning boundaries. Seven new lots are allowed in the R15 zoning district to be added to the PUD. These seven lots are spread over the R15, OL and RS20 zone boundaries within the PUD.

The applicant proposes clustering the new lots in order to preserve the hillside. Section 17.36.070 allows a minimum lot size smaller than what is allowed by the cluster lot provisions, contained in 17.12.080(C), in return for extraordinary protection of environmentally sensitive areas in a natural state. The proposed lot sizes range from 6,891 square feet to 10,531 square feet.

CONDITIONS

1. Prior to the issuance of any building or grading permits for Phase 5, the Phase 2 plat and construction / grading plans must be revised to show the required stormwater sediment device that will be located on Phase 2 but will process Phase 5 stormwater.
2. A final plat needs to be recorded before the issuance of any building permits.
3. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approve with conditions (10-0, Consent Agenda)

Resolution No. 2003-197

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 62-87-P-06, Summit Oaks, Phase 5, is APPROVED WITH CONDTIONS. (10-0)

Conditions of Approval:

1. Prior to the issuance of any building or grading permits for Phase 5, the Phase 2 plat and construction / grading plans must be revised to show the required stormwater sediment device that will be located on Phase 2 but will process Phase 5 stormwater.
2. A final plat needs to be recorded before the issuance of any building permits.
3. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

-
- 41. 2001UD-001G-12**
Lenox Village
Map 172, Portion of Parcel 244
Subarea 12 (1997)
District 31 (Knoch)

A request for final approval of site preparation plans for portions of Phases A2 and D of the Urban Design Overlay District located abutting the east margin of Nolensville Pike, north of Lenox Village Drive, classified MUL, (.64 acres), to permit the development of multi-family residence buildings, requested by Batson and Associates, for Lenox Village LLV, owner.

Staff Recommendation - Approve. The construction plans are consistent with the UDO concept plan and design guidelines.

APPLICANT REQUEST -Approval of final construction plans for Part of Phases A2 and D in order to prepare the site for development of four multi-family residential condominium buildings and associated parking.

Existing Zoning

MUL zoning with a UDO - Mixed commercial and residential uses in accordance with a design concept plan and design guidelines.

Proposed Zoning

N/A

SUBAREA 12 PLAN

Policy Mixed Use (MU)

Policy Conflict - No. The MUL zoning and UDO are consistent with the MU policy

RECENT REZONINGS - No.

TRAFFIC

Traffic Study Submitted - No – none required.

Metro Traffic Engineer’s Findings - Approve.

STAFF ANALYSIS - The UDO concept plan calls for this block to be developed with any of the following building types: Village Core (retail, office, restaurant, residential uses preferably mixed in a single building), Live/Work (workplace on ground floor with residence above) or Multi-Family Residential. This portion of the block is proposed for 4 multi-family condominium buildings. Preparation of the site for this use in accordance with the proposed plans is consistent with the UDO concept plan and design guidelines.

Approve (10-0, Consent Agenda)

Resolution No. 2003 – 198

“BE IT RESOLVED by the Metropolitan Planning Commission that Urban Design Overlay No. 2001UD-001G-12, Lenox Village, Part of Phases A2 and D, is **APPROVED. (10-0)**”

-
- 42. 2002P-003U-03**
Park Preserve, Phases 1 and 3
Map 59, Parcels 135 and 208
Subarea 3 (1998)
District 2 (Black)

A request for a revision to the preliminary plan and for final approval for Phase One of the Planned Unit Development located abutting the east margin of Whites Creek Pike, south of Revels Drive, classified RM9, (83.15 acres), to permit the development of 325 multi-family units and 29 single-family lots to replace 327 multi-family units and 25 single-family lots, requested by Ragan-Smith Associates, for PHP Ministries Inc., owner.

Deferred to June 12, 2003 meeting. (10-0)

XII. MANDATORY REFERRALS

- 43. 2003M-035U-13**
MNAA Water Line Relocation
Map 120, Parcel 39
Subarea 13 (1996)
District 13 (Derryberry)

A request for an easement abandonment and relocation of a 16-inch water line for Project No. 02-WL-059 for the Metropolitan Nashville Airport Authority, where the property is located on Air Freight Boulevard, north of Murfreesboro Pike, as requested by the Metro Department of Water Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement abandonment and relocation of a 16-inch water line for Project No. 02-WL-059 for the Metropolitan Nashville Airport Authority, where the property is located on Air Freight Boulevard, north of Murfreesboro Pike, as requested by the Metro Department of Water Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS - None

Approve (10-0, Consent Agenda)

Resolution No. 2003-199

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-035U-13 is **APPROVED. (10-0)**”

-
- 44. 2003M-048U-10**
ACS Hope Lodge Sewer Easement Relocation
Map 92-11, Parcel 68
Subarea 10 (1994)
District 21 (Whitmore)

A request to relocate an existing sanitary sewer line, running in a north-south direction across parcel 68 of map 92-11, and then abandon the former easement location to allow for the construction of a new building for the American Cancer Society Hope Lodge, as requested by Joseph H. Ballard of BWSC, Inc. for the property owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request to relocate an existing sanitary sewer line, running in a north-south direction across parcel 68 of map 92-11, and then abandon the former easement location to allow for the construction of a new building for the American Cancer Society Hope Lodge, as requested by Joseph H. Ballard of BWSC, Inc. for the property owner.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS - None

Approve (10-0, Consent Agenda)

Resolution No. 2003-200

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-048U-10 is **APPROVED. (10-0)**”

- 45. 2003M-049U-09**
Close Alley #233 from 12th Avenue South
to 11th Avenue South
Map 93-9, Parcels 90 and 303-306
Subarea 9 (1997)
District 19 (Wallace)

A request to close Alley #233 between 12th Avenue South and 11th Avenue South, just south of Laurel Avenue, as part of the MDHA-approved Gulch Redevelopment Project, as requested by Richard & Sheryl Horton, for Joseph & Ginger Finch, Trustees, and Laurel House 2001, LP, abutting property owners.

Staff Recommendation - Approve

APPLICANT REQUEST

A request to close Alley #233 between 12th Avenue South and 11th Avenue South, just south of Laurel Avenue, as part of the MDHA-approved Gulch Redevelopment Project, as requested by Richard & Sheryl Horton, for Joseph & Ginger Finch, Trustees, and Laurel House 2001, LP, abutting property owners.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners' sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

Metro Water Services expects all easement rights to be retained.

Approve (10-0, Consent Agenda)

Resolution No. 2003-201

“BE IT RESOLVED by Metropolitan Planning Commission that Mandatory Referral No. 2003M-049U-09 is **APPROVED. (10-0)**”

46. 2003M-050U-08

Close Alley #514 in St. Cecilia Dominican Convent

Map 81-4

Subarea 8 (1995)

District 2 (Black)

A request to close Alley #514, located on the property of St. Cecilia Dominican Order, with the northern terminus located at Dominican Drive and extending south approximately 420 feet and then west approximately 200 feet and terminating at the eastern property line of Map 81-04, Parcel 20, where this abandonment is needed for the expansion of the Order, and as requested by Tommy J. Martin, AMEC Earth & Environmental, Inc., applicant for St. Cecilia Dominican Order, abutting property owner. (Easements to be abandoned, and the applicant is aware that any relocations must be completed at the applicant's expense).

Staff Recommendation - Approve

APPLICANT REQUEST

A request to close Alley #514, located on the property of St. Cecilia Dominican Order, with the northern terminus located at Dominican Drive and extending south approximately 420 feet and then west approximately 200 feet and terminating at the eastern property line of Map 81-04, Parcel 20. Where this abandonment is needed for the expansion of the Order, and has been requested by Tommy J. Martin, AMEC Earth & Environmental, Inc., applicant for St. Cecilia Dominican Order, abutting property owner.

(Easements to be abandoned, and the applicant is aware that any relocations must be completed at the applicant's expense)

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners' sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS – None

Approved (10-0, Consent Agenda)

Resolution No. 2003-202

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-50U-08 is **APPROVED. (10-0)**”

- 47. 2003M-051U-08**
Easement Abandonment/Relocation for St. Cecilia
Map 81-4, Parcels 19, 20, 58, 60, 61 and 68
Map 81-8, Parcels 62-64
Subarea 8 (1995)
District 2 (Black)

A request to abandon and relocate an existing public utility easement and public utilities within, that extends between Dominican Drive and the former Clay Street and adjacent to the eastern property line of Map 81-04, Parcel 20; a request to abandon and relocate an existing public utility easement and public utilities within, that extends between the eastern margin of Alley #514 and just short of the former motel point of ingress & egress; a request to abandon an existing easement that was retained as part of the closure of a portion of Alley #519 closed by BL59-383; a request to abandon an existing easement that was retained as part of the closure of a portion of Nassau Street by BL59-383; a request to abandon an existing easement that was retained as part of the closure of a portion of 8th Avenue North by BL73-703; a request to abandon an existing easement that was retained as part of the closure of Alley #516 by BL59-383; and a request to abandon an existing easement that was retained as part of the closure of a portion of Alley #514 by BL56-134, as requested by Tommy J. Martin, AMEC Earth & Environmental, Inc., applicant for the St. Cecilia Dominican Order.

Staff Recommendation - *Approve*

APPLICANT REQUESTS - This application includes seven related requests:

1. To abandon and relocate an existing public utility easement and public utilities within, that extends between Dominican Drive and the former Clay Street and adjacent to the eastern property line of Map 81-04, Parcel 20.
2. To abandon and relocate an existing public utility easement and public utilities within, that extends between the eastern margin of Alley #514 and just short of the former motel point of ingress & egress.
3. To abandon an existing easement that was retained as part of the closure of a portion of Alley #519 closed by BL59-383.
4. To abandon an existing easement that was retained as part of the closure of a portion of Nassau Street by BL59-383.
5. To abandon an existing easement that was retained as part of the closure of a portion of 8th Avenue North by BL73-703
6. To abandon an existing easement that was retained as part of the closure of Alley #516 by BL59-383
7. To abandon an existing easement that was retained as part of the closure of a portion of Alley #514 by BL56-134, as requested by Tommy J. Martin, AMEC Earth & Environmental, Inc., applicant for the St. Cecilia Dominican Order.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS - None

Approve (10-0, Consent Agenda)

Resolution No. 2003-203

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral 2003M-051U-08 is **APPROVED. (10-0)**”

- 48. 2003M-052U-11**
Timmons Street Sewer Extension
Map 119-13, Parcels 314-317
Subarea 11 (1999)
District 16 (McClendon)

A request for an easement acquisition for the Timmons Street Sewer Extension for Project No. 02-SG-154, as requested by the Metro Department of Water Services.

Staff Recommendation - Approve

APPLICANT REQUEST

A request for an easement acquisition for the Timmons Street Sewer Extension for Project No. 02-SG-154, as requested by the Metro Department of Water Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS - None

Approved (10-0, Consent Agenda)

Resolution No. 2003-204

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-052U-11 is **APPROVED. (10-0)**”

- 49. 2003M-053U-14**
Right-of-Way Dedication to Metro (U.S. Hwy. 70 N)
Map 96-1, Parcel 8
Subarea 14 (1996)
District 15 (Loring)

An Ordinance authorizing the acceptance of a donation of property for use as a public right-of-way for Metro Government, located on Map 96-01, Part of Parcel 8, which will provide a roadway connection between Old Lebanon Pike and U.S. Highway 70 North, as requested by the Metro Public Property Administration.

Staff Recommendation - Approve

APPLICANT REQUEST

An Ordinance authorizing the acceptance of a donation of property for use as a public right-of-way for Metro Government, located on Map 96-01, Part of Parcel 8, which will provide a roadway connection between Old Lebanon Pike and U.S. Highway 70 North, as requested by the Metro Public Property Administration.

APPLICATION REQUIREMENTS-None

DEPARTMENT AND AGENCY COMMENTS – None

Approved (10-0, Consent Agenda)

Resolution No. 2003-205

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-053U-14 is **APPROVED. (10-0)**”

- 50. 2003M-054U-09**
Parkway Towers Lease for Public Defender
Map 93-2, Parcel 9
Subarea 9 (1997)
District 19 (Wallace)

A request for Metro Government to enter into a lease agreement with Domain Copper Ridge Associates to acquire space for the Public Defender at Parkway Towers, located at 404 James Robertson Parkway, for a lease term of 10 years to commence on September 1, 2003, as requested by Metro Public Property Administration.

Staff Recommendation - Approve

APPLICANT REQUEST

A request for Metro Government to enter into a lease agreement with Domain Copper Ridge Associates to acquire space for the Public Defender at Parkway Towers, located at 404 James Robertson Parkway, for a lease term of 10 years to commence on September 1, 2003, as requested by Metro Public Property Administration.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY COMMENTS-None

Approve (10-0, Consent Agenda)

Resolution No. 2003-206

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-054U-09 is **APPROVED. (10-0)**”

XIII. ADJOURNMENT

Meeting adjourned at 11:25pm.

Chairman

Secretary

Minute approval this _____ day of _____, 2003.

