

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 23, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Councilmember John Summers

Absent:

Mayor Bill Purcell
Douglas Small, Vice Chairman

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Jennifer Regen, Planning Manager 2

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following corrections:

14. 2002Z-047U-10 Delete Map 130-04 Parcel 58, Map 116-16 Parcel 113, Map 116-16 Parcel 118
and Map 116-16 Parcel 119, at Councilmember Williams' request. Change Total

acreage to 135.63 acres and the geographical description from the western margin of Wallace Lane to the eastern margin of Wallace Lane.

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

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. Clifton seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of May 9, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black stated staff had done a good job finding an appropriate development for the location of item 2002Z-008U-03

Councilmember Vic Lineweaver stated he had heard concerns regarding several items in his district such as the Highway 100/Old Harding Road area, Bellevue Road/Old Harding Road area and the Coley Davis Road sod farm. At my request the developer has agreed to single family homes and to donate land for a new elementary school and for a park.

Councilmember Bettye Balthrop spoke in regards of item 11. 2002P-002G-02, Magnolia Station Condominiums. There was a neighborhood meeting set, but no one showed up and that she was just informed today that one of the neighbors did not receive any notice on the meeting.

18 235-84-G-04 Harbor Village, the plan has changed slightly and been upgraded slightly, and that she has asked a group of people to be on a committee to work with developer. The developer has offered to make changes working with the committee.

Councilmember Lynne Williams spoke in regard to item 14. 2002Z-047U-10, and asked for approval.

Councilmember Jim Shulman thanked planning staff for their work on item 21. 2002UD-001U-10, Green Hills.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

22. 2001S-180U-03 Deferred until meeting of June 13, 2002

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

13. 2002Z-046U-03
Map 070-00, Parcel(s) 42, 43
Subarea 3 (1998)
District 2 (Black)

A request to change from R10 district to RM4 district properties at 2423 Buena Vista Pike and Buena Vista Pike (unnumbered), approximately 1,000 feet west of west Trinity Lane/Tucker Road, (10.33 acres), requested by Keishan Davis, Andre' McShan, and Melvin Sawyer, appellants/owners.

Staff recommends *approval*.

Subarea Plan Amendment required? **No.**

Traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods? **No.**

This request to change 10 acres from R10 (residential) to RM4 (multi-family residential) district at 2423 Buena Vista Pike and vacant property on Buena Vista Pike (unnumbered), abutting the north margin of Buena Vista Pike. The existing R10 district is intended for single-family homes and duplexes at up to 3.7 units per acre. The proposed RM4 district is intended for single-family homes, duplexes, and multi-family dwellings at 4 units per acre. With RM4 zoning the applicant would be able to construct 41 units on the property.

Staff recommends approval of the RM4 district since the density of the proposed zoning is consistent with the Subarea 3 Plan's Residential Low Medium (RLM) policy. The RLM policy calls for 2 to 4 dwelling units per acre. The intent of the subarea plan is to create a mixture of housing types between the two commercial centers located at the intersections of Clarksville Pike and Buena Vista Pike, and West Trinity Lane and Whites Creek Pike. This property is located across from the Buena Vista Manor Apartments. When the two parcels in this zone change are later consolidated by plat, a building envelope will be required to ensure development does not occur on the severe slopes in excess of 12%.

Traffic

The Metro Traffic Engineer has indicated that Buena Vista Pike can accommodate the traffic that would be generated by RM4 zoning. The Traffic Engineer also indicated that no development on these properties would be allowed access to Mattie Street until it has been improved to minor local street standards.

Schools

A single-family development at RM4 density will generate approximately 14 students (6 elementary, 4 middle, and 4 high school). Students will attend Bordeaux Elementary School, Ewing Park Middle School, and Whites Creek High School. Bordeaux Elementary and Ewing Park Middle Schools have been identified as being overcrowded by the Metro School Board.

Resolution No. 2002-194

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-046U-03 is **APPROVED (6-0)**:

The proposed RM4 district is consistent with the Subarea 3 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. The intent of the subarea plan is to create a mixture of housing types between the two commercial centers located at the intersections of Clarksville Pike and Buena Vista Pike, and West Trinity Lane and Whites Creek Pike."

14. 2002Z-047U-10

Map 116-12, Parcel(s) 3 - 62, 63.01, 65 - 89, 91 - 134, 136 - 152, 154, 155, 158 - 162; Map 116-16 A, B, C, Parcel(s) A: 1 - 18, B: 1 - 40, C: 1 - 4; Map 116-12, Parcel(s) 117, 118, 120, 121, 123, 124, 126, 129 - 131, 133, 135, 147, 148, 151; Map 116-12
Subarea 10 (1994)
Subarea 10 (1994)
District 34 (Williams)

A request to change from R20 district to RS20 district 263 properties between Abbott Martin Road and Hobbs Road from the eastern margin of Wentworth Avenue and Ashcroft Place to the western margin of Wallace Lane, (137.76 acres), requested by Councilmember Lynn Williams.
Staff recommends *approval*.

Subarea Plan amendment required? **No.**

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

This request is to change 138 acres containing 263 properties from R20 (residential) to RS20 (residential) district properties between Abbott Martin Road and Hobbs Road, from the eastern margin of Wentworth Avenue and Ashcroft Place, to the western margin of Wallace Lane. The existing R20 district is intended for single-family homes and duplexes at 1.85 units per acres. The proposed RS20 district is intended for single-family dwelling units at 1.85 units per acre. The RS20 district prohibits duplexes, while the R20 district permits them. Councilmember Lynn Williams submitted this rezoning application after she and the planning staff met with the neighborhood residents' about concerns that the existing zoning allows construction of new duplex units on lots previously single-family or vacant.

Staff recommends approval of the request to change to RS20 zoning since it is consistent with Subarea 10 Plan and it also maintain the neighborhood's single-family character. The Subarea 10 Plan designates this area within the Residential Low (RL) policy calling for 1 to 2 dwelling units per acre. While the RL policy can include duplexes, the plan's intent is to preserve the existing single-family character. The plan calls for future zoning decisions to maintain the existing densities and predominant housing types. Duplexes and condominiums currently make up 12% of the residential dwellings within the boundaries of this rezoning. This proposal caps the number of duplexes at the existing number and prohibits new duplexes.

Traffic

The Metro Traffic Engineer has indicated that this zone change will not change traffic volumes.

Schools

The change from R20 to RS20 district will not increase the amount of students generated by this rezoning. Currently there are 6.7 acres of vacant residential property in this neighborhood, which would yield 12 single-family homes. The development of 13 single-family homes would generate an additional 3 students (1 elementary, 1 middle, and 1 high school). Students would attend Julia Green Elementary School, John Trotwood Moore Middle School, and Hillsboro High School. Julia Green Elementary and Hillsboro High Schools have been identified as being overcrowded by the Metro School Board.

Resolution No. 2002-195

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-047U-10 is **APPROVED (6-0)**:

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

16. 2002Z-056U-09

Council Bill No. BL2002-1063

Map 092-00, Parcel(s) Various Parcels; Map 093-00, Parcel(s)

Various Parcels

Subarea 9 (1997)

District 19 (Wallace)

A request to amend the Arts Center Redevelopment Plan overlay district located abutting Broadway, McGavock Street, 17th Avenue North, both margins of Division Street, and 8th Avenue South to 7th Avenue South, classified CF and within the Urban Zoning Overlay district, to amend the text of the preface and to change the definition of Mixed Use "Music Row" District, requested by the Metropolitan Development and Housing Agency (MDHA).

Staff recommends *approval*. The complete Amendment is attached, including the ordinance and exhibit.

The Arts Center Redevelopment Plan, approved by Council in 1998 and amended in 1999, was created to promote long range planning and economic development within its boundaries. Originally drawn to encompass the U.S. Post Office and its immediate environs, it was expanded in 1999 to include the area known as the Railroad Gulch, along with the Demonbreun Street/Music Row area. Its boundaries today are generally Broadway and McGavock on the north, 17th Avenue North and Division Street on the west and south, and the Capitol Mall Redevelopment Project on the east.

Notable development within the Arts Center Redevelopment Area has included the conversion of the U. S. Post Office into the Frist Center for the Visual Arts, construction of the Music Row Roundabout, revitalization of a number of properties along the Demonbreun Street commercial corridor, and the start of implementation of the Gulch Master Plan, a \$400 million mixed-use urban development project expected to be completed over the next ten years.

The proposed amendment, Amendment No. 2, achieves two objectives:

- 1) Replaces the existing "Preface" of the Plan with a new "Preface"; and
- 2) Modifies the current description of land uses in the Mixed Use "Music Row" District, allowing auto sales as a conditional use as long as all activity is confined to the interior of a building. This change applies only to properties, which have frontage on Demonbreun Street, west of Interstate 40.

Proposed Preface:

This Arts Center Redevelopment Plan is located in Metropolitan Nashville and Davidson County, Tennessee and is undertaken by the Metropolitan Development and Housing Agency, hereinafter referred to as "MDHA", in accordance with and in furtherance of the objectives of The Housing Authorities Law, Tennessee Code Annotated, Sections 13-20-101, et. seq. (the "Housing Authorities Law"). The Metropolitan Council of Nashville and Davidson County has declared the area to be a blighted area within the scope of Section 13-20-201 through 13-20-209, of the Housing Authorities Law.

Exhibit 1

Arts Center Redevelopment Plan

C. Land Use Plan

C.2.a. General Land Use Districts:

3. Mixed Use "Music Row" District: This district applies to the area west of Interstate 40. This area has historically served as the entrance to the Music Row area and as such was a hub of tourist activity.

Due to economic and land use trends, the area has increasingly shifted its focus away from tourism and towards office development and uses ancillary to the needs of the music industry. It is recommended that the change in focus be encouraged, while to the extent possible physically incorporating the traditional retail/tourism related activities through building design. New multi-storied office development could incorporate first floor retail.

It is appropriate that development in the Music Row district, particularly at the street level, promote a pedestrian scale of activity. The intent is to create an atmosphere of excitement and a grand entrance to Music Row. This can be accomplished through building designs that relate to Demonbreun Street and the Owen Bradley Park, as well as pedestrian scale features such as lighting, open spaces, plazas that flow into expanded sidewalks, and attractive landscape treatments.

Permitted Uses

- All uses permitted under the Mixed Use Arts District

Conditional Uses: The following uses may be permitted in the Mixed Use “*Music Row*” District if they are designed, located and proposed to be compatible with surrounding land uses and operated such that the public health, safety, and welfare will be protected and will not adversely affect other property in the area.

- Auto sales
- Auto service and repair

For properties which have frontage on Demonbreun Street there will be no outside storage or display of vehicles and no auto service or repair will be allowed.

May 21, 2002

Resolution No. 2002-196

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-056U-09 is **APPROVED (6-0)**:

The Arts Center Redevelopment Plan amendment is consistent with the intent of the overall redevelopment plan when originally adopted as well as the Music Row Urban Design Overlay District.”

PLANNED UNIT DEVELOPMENTS (revisions)

23. 192-69-G-12
Hickory Plaza Kroger Store
Map 161, Parcel(s) 163
Subarea 12 (1997)
District 30 (Kerstetter)

A request to revise the preliminary plan for a portion of the Commercial General Planned Unit Development District located abutting the northwest corner of Nolensville Pike and Old Hickory Boulevard, classified within the SCR district, (7.92 acres), to permit the expansion of the existing Kroger supermarket into a vacant pharmacy and to add a drive-thru window for the supermarket pharmacy, requested by Dollar and Ewers Architecture, appellant, for Summit Insured Equity, L.P., owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final PUD approval of a portion of the Commercial PUD district located on the north side of Old Hickory Boulevard, and on the west side of Nolensville Pike. This request is to permit the expansion of the existing Kroger store into the adjacent retail space previously occupied by CVS pharmacy to develop a Kroger pharmacy, construct façade improvements on the entire storefront and add a pharmacy drive-thru window.

The site's CS base zoning allows a pharmacy and is consistent with the PUD, as the previous tenant was CVS pharmacy. This expansion will not change the original concept of the PUD, with the exception of the new drive-thru window.

Traffic

This proposal includes a drive-thru window on the south end of the existing Kroger store. On May 14, 2002 the Traffic Engineer and a member of the Planning Department staff met on site with representatives of Kroger due to concerns about the turning radius of the drive-thru window. The applicant rough graded the turning radius so that a "test run" could be done. After driving a truck through the radius and taking measurements to ensure that the 30-foot radius would be adequate, the Traffic Engineer determined that the proposed configuration was adequate.

Staff recommends *conditional approval* subject to a corrected plan to be received prior to the Planning Commission meeting that indicates the following:

1. Provide 20 feet of clear width from the outside edges of the drive-thru window canopy to the driveway edge reaching to the rear of the building. The fire department connection and hydrant cannot be blocked from use at anytime.
2. Provide a stop sign for truck traffic coming from the rear of the Kroger and merging into the drive-thru traffic.

Resolution No. 2002-197

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 192-69-G-12 is given **CONDITIONAL FINAL PUD APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any 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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

24. 122-82-U-12
Grassmere Business Park
Map 132, Parcel(s) pt. of 1
Subarea 12 (1997)
District 26 (Arriola)

A request for a revision to the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the east margin of Trousdale Drive, abutting Grassmere Park Road, classified within the R10 district, (1.92 acres), to permit the development of a 11,950 square foot office building, replacing two office buildings with 23,000 square feet of office space, requested by Civil Site Design Design Group, appellant, for LBP Grassmere LLC, owner.

Staff recommends *conditional approval* subject to the administrative approval of a final plat and the posting of bonds as may be required for necessary public improvements.

This request is for a revision to the preliminary plan and for final PUD approval of Phase 1, lot 1 of the Commercial PUD located at the corner of Elysian Fields Road and Trousdale Drive to permit one office building, replacing two office buildings. The plan proposes one 11,950 square foot building, replacing two office buildings totaling 23,000 square feet. If the developer should want to build more office space on this lot in the future, they will need to submit a revised application for preliminary and final PUD approval at that time.

The plan orients the proposed building toward Trousdale Drive and maintains the same access points, as shown on the original preliminary PUD plan. One access point is from Trousdale Drive and one is through the existing driveway on Grassmere Park Drive. The required sidewalks along Trousdale Drive and Grassmere Park Drive have been shown.

Staff recommends *conditional approval* subject to the administrative approval of the final plat and the posting of bonds as may be required for necessary public improvements.

Resolution No. 2002-198

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 122-82-U-12 is given **CONDITION FINAL PUD APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any 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. 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. Sidewalks shall be constructed on Grassmere Park Drive and Trousdale Drive with the recording of the final plat.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. The applicant shall submit final PUD plans for Phase 2 for Planning Commission approval.”

MANDATORY REFERRALS

25. 2002M-040U-14

Briley Parkway Widening: Sewer & Water Line Easement Acquisitions
Map 095-10, Parcel(s) 109, 113, 114, 120, 126; Map 095-14, Parcel(s) 105-108; Map 095-15, Parcel(s) 1 (See CP&D)
Subarea 14 (1996)
District 15 (Loring)

A request to acquire easements on 22 properties for sewer and water relocations for the widening and realignment of Briley Parkway by TDOT (01-SG-92, 01-WG-89 Phase IV, 01-SG-91, 01-WG-88 Phase V), requested by Metro Water Services.

Staff recommends *conditional approval*.

This request is to acquire easements on 22 properties for water and sewer relocations that must occur to accommodate the widening and realignment of Briley Parkway by TDOT. Metro Water Services is requesting these easements as part of Project No. 01-SG-92/01-WG-89 Phase IV/01-SG-91/01-WG-88 Phase V, Capital Improvement No. 96SG0005/96WG0005. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

Resolution No. 2002-199

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-040U-14 is **APPROVED (6-0)**:

26. 2002M-045U-03

Close Hale Street
Map 70-9, Parcel(s) 2, 3, 4, 6
Subarea 3 (1998)
District 2 (Black)

A request to close Hale Street, an unimproved right-of-way, beginning at West Alpine Avenue to its terminus, requested by Caldwell Wright for Milton Tucker, Irene Jones, and Ronald Pardue, abutting property owners. (Easements are to be retained).

Staff recommends *conditional approval*.

This is a request to close an unimproved street (Hale Street) extending from the west margin of West Alpine Avenue to its terminus, north of Lincoln Avenue. All easements are to be retained. A number of designated streets in this area are unimproved. If approved, associated lands will be conveyed to the abutting property owners in equally divided amounts. The applicant, Caldwell Wright, owns the property directly north of the unimproved street. All other abutting property owners signed the mandatory referral application. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

Resolution No. 2002-200

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-045U-03 is **APPROVED (6-0)**:

27. 2002M-059U-14
Jackson Downs Commercial Easement Abandonments and
Relocations
Map 085, Parcel(s) 93, 94
Subarea 14 (1996)
District 14 (Stanley)

A request to abandon and relocate portions of water, sewer, drainage, and general public utility easements to accommodate the construction of a new commercial building within the Jackson Downs Commercial Subdivision, requested by Barge, Waggoner, Sumner, & Cannon, Inc., appellant, for Mathews Partners, Inc. and E & A Acquisition Two Limited Partnership, owners.

Staff recommends *conditional approval*.

This is a request to abandon and relocate portions of water, sewer, drainage, and general public utility easements to accommodate the construction of a new commercial building within the Jackson Downs Commercial Subdivision (2002S-139U-14). This mandatory referral has been requested in conjunction with an administrative final plat request that shows the locations of existing and proposed new easements for these utilities. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

Resolution No. 2002-201

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-059U-14 is **APPROVED (6-0)**:

28. 2002M-061U-00
Council Bill No. BL2002-983
Amend Section 13.08.030 of Metro Code Regarding
Encroachments Over the Public Right-of-Way

A council bill to amend Section 13.08.030 of the Metro Code to prohibit, construction, installation, operation, and maintenance of any encroachment in, on, over, or under any street, road, alley, sidewalk or other public way except by permit properly issued by Metro Government, sponsored by Councilmember Ludy Wallace.

Staff recommends *approval*.

This council bill is to amend Section 13.08.030 of the Metro Code regarding encroachments in, on, over, or under any street, road, alley, sidewalk, or other public way of the Metro Government. The bill deletes in its entirety Section 13.08.030 and inserts new text in its place. The main difference being the current text refers to property owners getting the "permission" of the Metro Council before constructing, installing, operating, or maintaining an encroachment where the proposed text says the Council will by "ordinance" grant encroachments. Another difference is that the proposed law is broader in that it applies not only to encroachments that benefit the owner of an abutting property owner, but which may benefit the public in general. Staff recommends approval of this bill since it would require any entity wishing to place an encroachment in the public right-of-way to request a permit from the Department of Public Works and provide proof of insurance to indemnify Metro Government.

Proposed New Text

SECTION 1. Section 13.08.030 of the Metropolitan Code of Laws be amended by deleting it in its entirety and substituting in lieu thereof the following:

A. No person, firm or entity shall construct, install, operate and/or maintain an encroachment in, on, over, or under any street, road, alley, sidewalk or other public way except when permitted by the metropolitan government. Unless specifically permitted under other sections of this code, the metropolitan county council may by ordinance grant encroachments, permits or privileges to construct, install, operate and/or maintain an encroachment in, on, over, or under any street, road, alley, sidewalk or other public way.

B. Any person, firm or entity requesting an encroachment, permit or privilege as provided herein shall pay to the metropolitan government a fee in the amount of one hundred dollars upon making such request.

C. The manner of constructing, installing, operating and maintaining such encroachment shall be by subject to the requirements, direction and approval of the director of public works and further the person, firm or entity requesting such encroachment, permit or privilege shall provide a liability insurance policy in such amount as directed by the metropolitan attorney and in the form as approved by the metropolitan attorney, to save the metropolitan government harmless from all claims for damages that may result to persons or property by reason of construction, operation or maintenance of such installation of any encroachment.

Resolution No. 2002-202

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-061U-00 is **APPROVED (6-0)**:

OTHER BUSINESS

29. Set public hearing for meeting of June 27, 2002 for Subarea 8 Plan amendments adding Detailed Neighborhood Design Plans for eight planning neighborhoods. (Cumberland Gardens, Elizabeth Park, Jones-Buena Vista, Osage-North Fisk, East Germantown, Germantown, Salemtown, and Metro 2nd and Hume).

31. Employee Contract for Lee W. Jones

Resolution No. 2002-203

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Lee W. Jones for one year, from June 11, 2002 through June 10, 2003."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS

1. Subarea 6 Plan

Map 140-00, Parcel(s) 16, 69, 74, 75; Map 141, Parcel(s) 10, 69;
Map 155, Parcel(s) 113; Map 142, Parcel(s) 38, 39, and 42
Subarea 6 (1996)
District 35 (Lineweaver)

A request to amend the Subarea 6 Plan at various locations, including the intersection of Highway 100 and Old Harding Pike, Bellevue Road and Old Harding Pike, and the terminus of Coley Davis Road, north of McCrory Lane, requested by Planning Department staff.

Ms. Croop stated at its January 24, 2002 meeting the Metropolitan Planning Commission directed staff to conduct a subarea plan update for the Bellevue community. This has been undertaken with six public work group meetings, along with a community-wide planning charrette, held March 25 through the 28th. A charrette is a concentrated planning session that typically takes place from morning until night over a three to five-day period. Specialists address participants and answer questions, ideas and alternative scenarios are sketched out and mapped, and public presentations and strategy sessions are held and community consensus is developed.

The Bellevue Community Design Charrette was held at the Bellevue Center Mall. The opening session featured presentations on regional growth, principles of community design, and historical preservation opportunities. Over the next three days planners, panelists and design professionals met with the public in workshop sessions. Updates of the day's events were given each evening. Agenda topics were Community Design, Transportation, Parks, Greenways, Libraries and Schools. A presentation of charrette results marked the workshop's conclusion.

Through the charrette, we established the basic framework, issues and goals of the overall community. These included policy decisions on roadway connectivity, conservation subdivisions, commercial design standards, historic and scenic preservation, vehicular and pedestrian circulation. Through continuous follow-up meetings, we have tackled site-specific issues, including treatment of the Triangle intersection of Highway 100 and Old Harding Pike, the Town Center proposal at Bellevue Road and Old Harding Pike, and the sod farm west of Coley Davis Road. Land use policy recommendations have been made for these 'hot spot' areas which will be included in the 2002 Subarea 6 Plan Update document. Ongoing meetings are schedule through the month of June to address additional community issues and provide direction for the final plan document. Public participation in the work group meetings has been considerable. Typical meetings average 60 to 80 participants, with up to 180 attendees recorded at a single meeting.

The vision statement crafted by charrette participants calls for a Bellevue community that has a sense of place, celebrates the area's history and uniqueness, preserves areas of rural character, preserves natural features, and accommodates anticipated growth for the area.

It is anticipated that the draft plan will be presented for Planning Commission review by mid-summer. Initial land use policy statements have been crafted for the following issues:

Roadway Connectivity

The connectivity policy for the 2002 Subarea 6 Plan Update states that professional planners will aggressively promote connectivity as a standard for rezoning and new development, however roadway connections will not be imposed on existing street systems against the wishes of the current residents. This has been supported throughout the workgroup meetings and charrette process. We certainly promote and recommend connectivity of existing streets, and will try to gain that support from current residents.

Conservation Issues

The neighborhood conservation policy position is that rural and natural landscape character shall be the central focus rather than development. Buildings are incidental features in the landscape, rather than the other way around. At edges of neighborhood conservation areas abutting policies supporting urban development may be appropriate for low-medium density development, but the interface should respect and express the best qualities of both development conditions.

Nodal Concept of Commercial Development

Commercial service areas should be identified with well-defined boundaries. These commercial nodes should provide good quality vehicle, bicycle and pedestrian access from the surrounding area within a half-mile radius. The types of commercial services provided in predominantly residential areas should be neighborhood-oriented with a high standard of design. The remaining undeveloped areas around commercial nodes should be designed to accommodate complementary residential and community service uses.

Councilmember Summers arrived at 1:50 p.m., at this point in the agenda.

Mr. Roy Dale spoke regarding connectivity.

Mr. John Rumble, President of Bellevue Citizens for Planned Growth, thanked staff for their hard work and supported their work.

Mr. Jeff Martin expressed concerns regarding his property becoming landlocked.

Mr. Bernhardt stated staff was not asking for action by the Commission at this time.

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

2. 2001Z-077G-06

Map 141-00, Parcel(s) 69, 10; Map 140-00,
Parcel(s) 16, 69, 74,75
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from AR2a and CS districts to RS10 district properties at 8161 Coley Davis Road, Newsom Station Road (unnumbered), and McCrory Lane (unnumbered), (264.39 acres), requested by Dale and Associates, appellant for Michael and Diane Allison and Rhonda England, owners.

Mr. Leeman stated staff recommends *disapproval*.

Subarea Plan Amendment required? Yes, and one has been completed.

Traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods? **Yes, and one has been submitted, but not revised to reflect the current proposal (see below).**

On October 25, 2001, the Planning Commission authorized staff to begin looking at the Coley Davis Road area for a Subarea 6 Plan amendment. Subsequently, on January 24, 2002, a more in-depth subarea plan amendment process was started covering several of the other “hot spots” in the Bellevue area. These areas are also included on this agenda. At the time of the Subarea 6 Plan amendment request, the applicant was considering a Traditional Neighborhood Development (TND) and an Urban Design Overlay (UDO) for 264 acres included in this zone change, however, this is no longer part of the request.

The request is now to change 198 acres from AR2a (agricultural) and 66 acres from CS (commercial) to RS10 (residential) district properties at 8161 Coley Davis Road, and Newsom Station Road (unnumbered) and McCrory Lane (unnumbered). The property is essentially landlocked and is bordered by I-40 and the Harpeth River, and is bisected by the CSX Railroad. Currently, the property is vacant except for a large metal barn, used for the commercial sod farm operation. The existing AR2a district requires a minimum lot size of two 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 two acres. The existing CS district is intended for a wide range of commercial uses including retail, consumer service, banks, restaurants, office, self-storage, light manufacturing, and warehouse uses. The proposed RS10 district is intended for single-family residential dwellings at a density of 3.7 dwelling units per acre. Rezoning this property to RS10 would allow 979 single-family lots, while the current AR2a portion of the site allows 99 lots. The applicant has designed a conceptual plan that includes 716 single-family lots, with one public road onto McCrory Lane. Since the district Councilmember has requested a council bill on this item for the July 2, 2002 Council public hearing, the Planning Commission must make a recommendation to Council no later than June 27, 2002.

Staff recommends disapproval of the RS10 zoning since this proposal includes approximately 150 acres with slopes over 20% and floodplain. Staff is also recommending disapproval since there is currently no proposal for access to the site that will not impact the steep hillsides. Currently, the only access point is from McCrory Lane. Staff also recommends disapproval since a traffic impact study has not been approved by Metro Public Works. If any development is to occur on this property, a PUD should be used to ensure the appropriate density, compatibility, and protection of the environmentally sensitive areas. By applying a PUD, a more compact, cluster-lot development can be accomplished than under a regular subdivision.

Land Use Policy

During the 2002 Subarea 6 Plan Amendment process, comments were received from neighbors generally requesting no major changes to the Subarea 6 plan for this area. Several neighbors who live off of Coley Davis Road voiced their opposition to any development that would require the extension of Coley Davis Road over the Harpeth River. Another concern of the residents of Bellevue is that the scenic, rural character is preserved through the protection of the ridgelines and environmentally sensitive areas. Allowing a new road off of McCrory Lane to be constructed to access the new lots will seriously jeopardize the hillsides on this property. Staff recommends that the NC policy remain in place on this property, and the surrounding area, to protect the environmentally sensitive areas (steep slopes, floodway/floodplain), and to preserve the existing rural character. The area should also remain NC policy since it falls in the middle of the NC policy area, as opposed to falling along the boundary.

It is also intended to recognize the lack of infrastructure in these areas, as well as to preserve the rural and semi-rural character for large areas of the county. This generally means that zoning should remain AR2a, AG, and RS80 in NC policy areas. It has been practice to allow residential development on the edge of the NC areas where pockets of land are physically suitable for urban development that can be readily served by infrastructure. This development has been allowed at a maximum density of 2-4 dwelling units per acre. Although a portion of this site (115 acres) is suitable for development at more urban densities, intensifying this area without an overall street network or grading plan will not serve the residents on McCrory Lane, Coley Davis Road, or Newsom Station Road.

Traffic

The original Traffic Impact Study (TIS), prepared in June of 2001, for the proposed Traditional Neighborhood Development plan indicated that the project would require Coley Davis Road to be extended as a two-lane roadway to the west with a bridge over the Harpeth River. It also indicated that a northbound right-turn lane and a southbound left-turn lane were required on McCrory Lane at the proposed project access.

At the time of this report, the applicant has not submitted a revised TIS taking into account the new request for RS10 zoning on 264 acres. As was stated earlier in this report, the conceptual plan for the single-family development eliminates the bridge over the Harpeth River. The Metro Traffic Engineer has not made a recommendation since the applicant has not submitted a revised TIS. The Metro Traffic Engineer has deemed the application incomplete.

Schools

A single-family development with 979 single-family homes could generate approximately 199 students (126 elementary, 75 middle, and 80 high school). Students will attend Gower Elementary School, Hill Middle School and Hillwood High School. The Metro School Board has not identified any of these schools as being over capacity.

Mr. Bernhardt stated that if this were rezoned the proposal that has been presented does not comply with the subdivision requirements and it is highly unlikely that staff would suggest any variances. The proposal may have to be cut in terms of the number of units as much as one half and radically redesigned from what is being shown.

Mr. Roy Dale, representing the property owner, stated he totally disagreed with Mr. Bernhardt. A basic premise of the staff's report is that a 150 acres of this property is in excess of 20% is flat not true. I have

looked at it in detail again yesterday and today and the portion that is in excess of 20% and the portion that is floodplain is about 66 acres of 260 acres. So, instead of only having 115 acres of area they consider developable you have 200 acres, and that is the would basic premise of their disapproval. It is flat wrong. I've got a large scale plan here, I even brought an engineering scale if you want to check it for yourself, because I know what I am talking about here. It's just not correct.

First of all I appreciate Councilmember Lineweaver's support, however, simply we have in the past always wanted to get the Planning Commission's approval. We just feel like that is important and is part of the process. In the very beginning I met with the Planning Commission. I knew what they would like and we wanted to see a neotraditional type development on this property and as a team player I did everything I could do to make that happen. I set down with the Commission staff in the very beginning, we worked on several proposals, I did a very detailed plan that showed about 600 single family lots, 600 multi family lots, townhouses, condos, loft apartments, 60,000 square feet of retail space, commercial buildings, community space, connections to Coley Davis and McCrory Lane. The Planning Commission staff actually helped me draw some proposals themselves and this is one of them. That's how you can do something in the steep topography they say exists – it does not. There is some steep topography but it is not the majority of this piece of property. We prepared a plan for submittal to the Planning Commission in October, and there was a Subarea Plan amendment that was required, because in this proposal we were going to have to zone some residential multi family in addition to the RS zoning and some MUL for commercial. This plan was submitted to the Commission in October and had a recommendation of approval going into the date of the meeting and the date of the meeting it was changed to a deferral. The basis of that was because you were going to go through this Subarea process. So again, I set down with the staff and it was understood and agreed that we needed to go out to the community and get some input on this plan. So we got more people involved in this team. We talked with homebuilders, we talked with Fox Ridge, Jones, Ryan, Dreese – all of whom had interest in this property – none of who had any interest in doing anything neotraditional. We met with the neighbors who live in the area and the Councilmember also. They wanted absolutely no multifamily, no condos, no townhouses, and no connections to Coley Davis Road. That was very clear. I worked with an architect and an engineer that lived in a subdivision adjacent to this and we did many, many plans and finally came up with a plan that just showed 716 single family lots. What is before you today is simply a zone change proposal. It is not really a plan, and to say that there's not going to be connectivity to any streets is really – who knows – we are asking for a zone change to RS10. This piece of property abuts Coley Davis, it abuts Newsome Station, and abuts McCrory Lane. I'm not saying that couldn't make connections to any of those streets, but I know what the community wants and I sure the Councilmember is going to do his best to make sure the community gets it, and that is a Council level issue. But, as far as what's before you today is a zone change request, pure and simple.

I submitted a plan to staff, just because I try to do something a little but beyond when I submit a zone change request so you will have a general idea of what you can get. So I submitted a plan that showed 710 lots. He passed out a plan of the property and explained the dark areas are in excess of 20% or in the floodplain. There are few lots on this plan that go into that dark area, but those lots are between 20% and 25%, which you have covered right now in your ordinance. You can build on lots that have up to 25% slope. So I'm not even sure where we even came up this criteria about 20% and greater. It should be 25% and greater and it is very clearly covered in the Zoning Ordinance. So we came back to the Planning Commission with this plan and that was submitted 5 weeks ago. When we did the original plan back in October we did a traffic study. We weren't asked to do one, we did it on the very beginning because we wanted to go the extra mile. Nothing has changed with the background out there since that point in time, but we were asked 3 weeks into the process to do another traffic study. Unfortunately it takes a while to do that and we just got the results on it yesterday and they are exactly what they were before. McCrory Lane, on its peak hour, has 250 cars going one direction and 250 cars going the other direction. That's it. That's the peak hour. That's a ridiculously low volume of traffic. So we submitted this plan to the Planning Commission again and unfortunately, we've got everybody involved in this team, but a key team member, which is the Planning Commission staff really didn't want to be involved. To me it is sort of like when I was a kid playing baseball or football or basketball, the person who had the ball always made the rules and if you didn't follow their rules they are just going to leave. That's sort of how we felt here.

We had what the community wanted, we had what the developers wanted – this was very clear in the Subarea process, I heard Carol say that people supported NC or little development on this property, but that's not what I recall in the meeting I attended because I showed this plan and the people were overwhelmingly in support of it.

Just to give you an example, and I hate to this, but I feel like I have to, because we've had a problem here and you need to be aware of it. In this situation, even though we went through a painstaking process, everything that could possibly happen to undermine this process has taken place. First we were asked to do a traffic study 3 weeks into the process, don't know why, it's not really required, but we did one anyway.

I attended a Subarea meeting in Bellevue 2 weeks ago and at this meeting we were supposed to discuss this area as a hot point. Well it got about as much attention as a hot point as it did today. Staff went into great detail on 2 other sites, but did you really go into detail on this piece of property. No, it wasn't a hot point. They weren't even going to discuss it. As a matter of fact at that meeting the spokes person said, Well we have a proposal on this piece of property, but we know it's not what the community wants. That's how she left it. I stood up and basically took over and showed the people what we proposed and they wanted it. I hope someone is here to mirror that, but that's exactly that they said they wanted. They told us it wasn't even going to be on your agenda and I raised a little hell quite honestly because we started a new traffic study and I felt like it was just a waste of money so low and behold we are on your agenda. So the staff prepares their report and in their recommendation it says: "Staff recommends disapproval of the RS10 zoning since this proposal includes approximately 150 acres with slopes over 20% and floodplain." Man, I'm telling you what, that's just not right. It's more like 70 acres. Maybe we should just stop at this point and have they go back and rework the report, because if that is the basis of this it is wrong. It makes this hole report loose credibility because it is just not true.

The staff is also recommending disapproval since there is currently no proposal for access for this site that will not impact steep slopes. That again is not true. The same point of access that we all agreed to before is the point of access we are talking about, but however, you are not considering access here, you are considering a zone change. I'm not saying where there is going to be access on this piece of property. You should be concerned about the infrastructure around it and McCrory Lane has very little traffic. Staff also recommends disapproval since a traffic study has not been approved by Public Works. Well we did submit a traffic study. They have just gotten it. No, they haven't had time to review it. At the end of the day, if you need to defer this in order to discuss the traffic study, I'm fine with that, but these other issues need to be taken off the table.

If any development should occur on this property a PUD should be used to insure appropriate density, compatibility and protection of the environmentally sensitive areas. By applying a PUD a more compact cluster development can be accomplished than under a regular subdivision.

How misleading is that? Under the R10 cluster plan you can do equivalently what you can do in a PUD. You've got the regulations here and probably know them.

As far as this project is concerned I'm here to help cut through the static so you can understand more clearly. I'm very confident in what I am saying. I can back it all up. We can sit here, we can scale, we can do whatever you want to do, but this staff report is totally erroneous. You know what to do, this is a simple request for a zone change to RS10 and it meets the land use policy and I encourage you to approve it.

Chairman Lawson stated there were several discrepancies brought up asked staff to verify their information and Mr. Dale's information.

Mr. Bernhardt stated staff would be glad to review Mr. Dale's information. It has not previously been provided to staff. We have used the USGS maps and the official topography of Metro Government. If he has different topography we will be glad to review it.

Chairman Lawson stated there were brought up that probably do need clarification, or at least I would feel a little more comfortable if we had clarification on the accuracy of it. Roy has some significant points that need clarification.

Mr. Bernhardt stated staff would prefer to validate it. We don't necessarily trust the information Mr. Dale provided.

Mr. Leeman stated that if there were a mistake on that acreage it might have been that I looked at the wrong scale. I can go back and recalculate that, but we can show the slide with the steep topography.

Ms. Mildred Brown stated she was in favor of the project and the development of the site.

Mr. Frank Bradson, representing the developers of the property. This has been deferred for months. This present zoning would allow for 1,100 units under the CS and the AR2, and the plan presented by Mr. Dale brought that density down to 716 units. When we were here a few months ago none of that was brought up. Time is money to developers and it takes time to meet all criteria. He asked for approval of the plan and for it not to be contingent on connectivity or other potential developments.

Mr. Rob Brown spoke in favor of the proposal.

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

Ms. Jones stated she too is concerned about some of the discrepancies and would like to see this deferred for clarity.

Mr. McLean asked if the Commission could vote on the zone change and then the technical discrepancies could be worked out.

Mr. Clifton stated the discrepancies should be worked out, but didn't feel the Commission could vote on it today. He also expressed concerns regarding school capacity.

Ms. Cummings agreed there is too much conflict.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to defer this matter until June 13, 2002.

Councilmember Lineweaver stated he had been working with Chris Norris of the school board regarding capacity.

Commissioner Clifton left at 3:00 p.m., at this point in the agenda.

3. 2001Z-112G-06
Map 155-00, Parcel(s) 113
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from RS40 and CN districts to CL district property at Highway 100 (unnumbered), (6.44 acres), requested by Jim Girard of M and M Development Company, Inc., for Mary B. Johnson, et al, owners. (See PUD Proposal No. 2000P-005G-06).

4. 2000P-005G-06
Walgreens-Bellevue
Map 155, Parcel(s) 113
Subarea 6 (1996)
District 35 (Lineweaver)

A request for preliminary approval of a Planned Unit Development District located abutting the north margin of Highway 100, and the south margin of Old Harding Pike, classified within the CN and RS40 districts and proposed for CL district, (6.44 acres), to permit the development of a 14,560 square foot retail drug store, a 11,000 square foot retail/restaurant building, and a 6,500 square foot retail building, a public street connection between Highway 100 and Old Harding Pike, and approximately three-quarters of an acre for open space, requested by Barge, Waggoner, Sumner and Cannon, appellant, for Mary B. Johnson, et al, owners. (See Zone Change Proposal No. 2001Z-112G-06).

Ms. Croop stated staff recommends *conditional approval*.

Subarea Plan amendment required? No. This item was deferred at the January 24, 2002, Planning Commission meeting in order to allow time for a Subarea 6 plan update to occur. The deferral allowed the community, staff, and applicant additional time to give input as to the future development of this site. This property falls within an unmapped commercial policy in the current Subarea Plan. The draft 2002 Subarea Plan Update recommends a mapped Retail Neighborhood commercial node policy for this property with the following design objective and assumptions:

Design Objective of the Commercial Node: To provide suburban style neighborhood commercial services with well-defined boundaries that provides good quality vehicle, bicycle and pedestrian access from the surrounding area within a half-mile radius.

Assumptions: This part of Bellevue is and will continue to be developed at densities and with housing types that are suburban in character. The market for commercial services provided in the triangle area extends beyond a half-mile radius. The types of commercial services provided in the triangle area should be neighborhood-oriented but suburban in scale. The commercial area should be sized to provide a full complement of neighborhood-oriented commercial services. The remaining undeveloped areas around this commercial node should be designed to accommodate complementary residential and community service uses.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? Yes, and one was submitted.

This item was previously deferred at the request of the applicant at the December 6, 2001, Planning Commission meeting to allow more time to address concerns with the proposal. The proposal was revised by the applicant in response to neighborhood comments on 2-05-2002 and in response to neighborhood and MPC staff comments on 4-25-2002. The request is to change from RS40 (single-family residential) and CN (commercial neighborhood) districts to CL (commercial limited) district property at Highway 100 (unnumbered) in Bellevue's Pasquo neighborhood. There is also a request for a PUD to permit a 14,560 square foot Walgreen's retail store, 17,500 square feet of retail/restaurant uses, and to dedicate a 0.78 acre portion of the site to Metro Government for a possible park or public use area. The existing RS40 district is intended for single-family homes at up to 1 unit per acre and the existing CN district is intended for a limited range of retail and service uses for nearby residential areas. The proposed CL district is intended for retail, service, and restaurant and office uses. The CN district allows a maximum Floor Area Ratio (FAR) of 0.25, while the proposed CL district allows a 0.60 FAR.

Zone Change

The proposed CL district is consistent with the unmapped commercial node and is appropriate around the Highway 100/Old Harding Pike intersection given the area's significant growth and existing commercial zoning. Staff recommends conditional approval of the zone change provided the required traffic improvements are completed by the developer (see *Traffic* below).

When the Subarea 6 Plan is comprehensively updated, the commercial policy around this node should be changed from unmapped neighborhood commercial policy to Retail Neighborhood (RN), with the location of the commercial node clearly determined on policy maps. The aggregate amount of floor area intended in RN policy areas is from about 30,000 to about 100,000 square feet. The Kroger shopping center, including the freestanding Starbucks and the adjacent strip retail, currently contains 73,700 square feet. The Retail Neighborhood commercial node recommended for the 2002 Land Use Policy Map will provide an aggregate amount of floor area approximately 115,000 square feet and will include an approved but unbuilt bank adjacent to Krogers along with the Walgreens development. This aggregate amount of floor area will also accommodate a 5000 square foot building where the two houses currently exist on CN-zoned property between Harpeth Valley School and Collins Road. The current policy is Residential Low Medium Density (RLM) calling for 2 to 4 dwelling units per acre within which this unmapped commercial node exists. The stream on the eastern margin of this property and the Harpeth Heights Baptist Church to the south provide boundaries between this commercial node and the surrounding residential area. Commercial and office zoning should not be extended further east along Highway 100 than parcel 113, further west than the signalized entrance drive to the Kroger development, nor further south than the Kroger property boundary.

PUD Plan

The proposed PUD includes a stand-alone Walgreen's on the east side of the relocated Old Harding Pike and one additional stand-alone building of 6,500 square feet. A single building to house retail and restaurant uses is located on the west side of this new road. The applicant has redesigned the plan so the Walgreen's building faces the Old Harding Pike/Highway 100 intersection and the adjacent building faces north towards the existing Old Harding Pike. The Walgreen's was relocated to the other side of the new Old Harding Pike intersection to achieve its proper orientation. Staff now recommends conditional approval since the applicant has addressed all traffic issues and the Walgreen's building orientation.

Scenic Landscape Easement

Highway 100 is designated on the Major Street Plan and by the State of Tennessee as a Scenic Arterial. As a Scenic Arterial, special easements and setbacks are required to preserve the arterial's scenic quality. The proposed PUD plan is consistent with Section 2-7.4 of the Subdivision Regulations, which requires a 57-foot building setback from the 75-foot Scenic Landscape Easement along Highway 100. Furthermore, the PUD plan will be conditioned to require additional landscaping, including, the installation of evergreen shrubs that will be a minimum of 6-feet tall at maturity along Highway 100. A 10-foot wide landscaped strip will also be required, as per Section 17.24.070 (Scenic Landscape Easement) of the Zoning Ordinance.

Traffic

The applicant has submitted a traffic impact study that the Metro Traffic Engineer has reviewed. That study calls for implementing the first phase of TDOT's long-range plan for the reconfiguration of the Old Harding Pike/Highway 100 intersection. Old Harding Pike's realignment was first proposed in 1997 with the Trace Creek Center Commercial PUD south of Highway 100 (Kroger). This Walgreen's PUD proposes to re-route Old Harding Pike through parcel 113 on tax map 155 to the signalized intersection across from Kroger. Access to the Harpeth Valley Elementary School will be maintained through the existing two-lane section of Old Harding Pike between the new extension and Collins Road. A condition of this PUD approval will be that a mandatory referral is approved by the Metro Council, renaming the existing portion of Old Harding Pike between Collins Road and the new realigned road.

Since the December 6th meeting, the applicant has revised their proposal to include the reconfiguration of the Old Harding Pike/Highway 100 intersection at Collins Road. The reconfiguration terminates Old Harding Pike at Collins Road and re-routes Collins Road through the existing traffic signal at Highway 100. The developer has agreed to make the improvements at this intersection, which will significantly improve a dangerous intersection. The Traffic Engineer

has indicated that these improvements should significantly decrease the number of accidents at this intersection.

Although this PUD does not propose completing all of the state road improvements for this intersection, it does represent a significant first step toward their completion. The Traffic Engineer has indicated there is no set deadline or timeframe for the remainder of the improvements to be made. These include the relocation and widening of Highway 100 to five lanes from the county line to Old Hickory Boulevard.

Mr. Jim Girard, M & M Development Company, presented his proposal for the Walgreen's and explained traffic and infrastructure improvements.

Mr. Bill Lockwood, Barge, Wagoner, Sumner and Cannon, addressed technical issues related to the project.

Ms. Paula Winters, Mr. Glen James, Mr. Roger Baskette, Mr. Mike Gilmore, Mr. Bob Neal, Ms. Linda Prater, Mr. Elmo Chester, Mr. John Forte, Mr. Brian Sarmento expressed concerns regarding traffic safety and the commercial zoned property in front of the school. This developer is willing to make the road improvements and this project should be approved.

Mr. John Rumble, President of Bellevue Citizens for Planned Growth, presented his overview from each portion of Bellevue residents and supported the plan as a whole.

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

Ms. Nielson expressed concerns regarding the evening lighting being low and that it could be a safety issue.

Ms. Jones asked if the Commission could add the conditions Mr. Rumble brought up to the motion, or could staff make note of them?

Chairman Lawson stated he felt it would be appropriate for staff to make note of those comments.

Ms. Jones stated this project is a cornerstone in developing the neighborhood node and the aesthetics and control will be much better than it could have been under the existing conditions.

Ms. Jones moved and Ms. Nielson seconded the motion, which carried unanimously, to accept staff recommendation.

Resolution No. 2002-204

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-112G-06 is **APPROVED (6-0)**:

This proposal is consistent with the existing unmapped commercial policy at this node and will be consistent with the new Subarea 6 Plan's Retail Neighborhood (RN) nodal concept, which calls for small commercial nodes."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-005G-06 is given **CONDITIONAL APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With any request for final approval the plans shall provide for water quality and address detention requirement of the Metropolitan Department of Public Works. Because detention areas are included

within the .78 acres of land designated by the applicant for Metro public use, ownership of this .78 acres of land shall not be transferred to Metro, but shall be maintained by the property owner. Plan label on sheet number C1.01 shall be changed from Metro Park to Common Open Space.

3. Parking lot lighting shall have a pole height of no greater than 25 feet. Light at pavement edge to be no greater than 2 footcandles of illumination.
4. Parking lot screen walls indicated on plan to be constructed with stacked stone façade, to match example displayed in applicant's photograph exhibit of comparable development. A copy of this photograph shall be included with plan documents.
5. 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. In conjunction with the submittal of any final PUD plan, construction plans for all business signs shall be submitted to the Planning Commission for review and approval. Sign requirements include the following:
 - Monument signs of up to 13 feet in height permitted, as indicated on plan. Monument signs to be constructed with two (2) foot wide architectural columns. Architectural columns to complement the material of the 30 inch parking lot screen walls.
 - Building-mounted signs to be restricted to match example displayed in applicant's photograph exhibit of comparable development. A copy of this photograph shall be included with plan documents.
6. 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.
7. Approval by the Metropolitan Council of this PUD proposal and the associated zone change (2001Z-112G-06).
8. Prior to the recording of a final plat, three mandatory referrals shall be approved by the Metro Council changing the name of the remaining portion of Old Harding Pike between Collins Road and the relocated portion of Old Harding Pike, and closing a portion of Old Harding Pike west of the Collins Road intersection.
9. In conjunction with the submittal of any final PUD plan, construction plans for all required off-site road improvements shall be submitted to the Planning Commission for review and approval. All traffic improvements shall be completed prior to the issuance of the first Use and Occupancy permit for any portion of the plan, including the following:
 - A new traffic signal at the intersection of Old Harding Pike and the new Old Harding Pike. Modifications to the existing traffic signal at the intersection of the new Old Harding Pike and Highway 100.
 - Modifications to the existing traffic signal at the intersection of Collins Road and Highway 100.
 - Realignment of Old Harding Pike through parcel 113 on tax map 155 to include a five (5) lane section, as shown on the approved PUD plan.
 - Construct a northbound and southbound right and left-turn lane on the old portion of Old Harding Pike at the intersection of the new Old Harding Pike and Old Harding Pike.
 - Construction of all improvements at the Highway 100/Old Harding Pike/Collins Road intersection, as shown on page C1.03 of the submitted PUD plans. These improvements include an eastbound left-turn lane and a westbound right-turn lane onto Collins Road, an eastbound and westbound right-turn and left-turn lane into the Kroger site. The improvements shall also

include a southbound left-turn lane from Collins Road to Old Harding Pike and Highway 100. The turn lane shall be increased to allow adequate storage room for cars turning left onto Old Harding Pike.”

Action: Approved with conditions, including a condition that all traffic improvements shall be completed prior to the issuance of the first Use and Occupancy permit for any portion of the plan, including the following: One new traffic signal and modifications to two existing traffic signals, realignment of Old Harding Pike to include a five (5) lane section, construction of turn lanes on the old portion of Old Harding Pike, and construction of all improvements at the Highway 100/Old Harding Pike/Collins Road intersection, as shown on page C1.03 of the submitted PUD plans.

5. 2002Z-005G-06
Map 142-00, Parcel(s) 38, 39, 42
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from CL district to MUL district properties at 7380, 7386 Old Harding Pike and Bellevue Road (unnumbered), at the intersection of Bellevue Road and Old Harding Pike, (5.76 acres), requested by Michael Wrye of Lose & Associates, appellant, for Martha Richardson, owner. (See PUD Proposal No. 2000P-002G-06 and UDO Proposal No. 2002UD-002G-06).

6. 2000P-002G-06
Old Harding Pike Commercial PUD
Map 142, Parcel(s) 38, 39, 42
Subarea 6 (1996)
District 35 (Lineweaver)

A request to cancel the existing undeveloped Planned Unit Development District located abutting the northeast margin of Bellevue Road and the northwest margin of Old Harding Pike, classified within the CL district and proposed for MUL district, (5.76 acres), approved for two restaurants, one 7,475 square feet and the other 10,100 square feet, and a 5,600 square foot convenience market, requested by Lose and Associates, for Martha Richardson, owner. (See Zone Change Proposal No. 2002Z-005G-06 and UDO Proposal No. 2002UD-002G-06).

7. 2002UD-002G-06
Bellevue Town Center
Map 142, Parcel(s) 38, 39, 42
Subarea 6 (1996)
District 35 (Lineweaver)

A request to apply an Urban Design Overlay District to properties located abutting the northeast margin of Bellevue Road and the northwest margin of Old Harding Pike, classified CL and proposed for MUL, (5.76 acres), to permit a mixed-use development including 61,850 s.f. of retail/restaurant/office/residential uses, requested by Lose and Associates, for Martha Richardson, owner. (See Zone Change Proposal No. 2002Z-005G-06 and PUD Proposal No. 2000P-002G-06).

Ms. Croop stated staff recommends *conditional approval*.

- **Subarea Plan amendment required?** No. This item was deferred at the January 24, 2002, Planning Commission meeting in order to allow time for a Subarea 6 plan update to occur. The deferral allowed the community, staff, and applicant additional time to give input as to the future development of this site. This property falls within an unmapped commercial policy in the current Subarea Plan. The draft 2002 Subarea Plan Update recommends a mapped commercial node policy for this area, consistent with intensive design standards and implemented through application of a PUD or UDO district.

- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

Zone Change

This request is to apply an Urban Design Overlay District and to change the underlying zoning for 5.76 acres from CL (commercial-limited) to MUL (mixed use limited) for properties at 7380, 7386 Old Harding Pike, and Bellevue Road (unnumbered). The existing CL district is intended for retail, consumer service, bank, restaurant, and office uses, while the MUL is intended for a mixture of residential, commercial, and office uses. The CL district has a maximum Floor Area Ratio (FAR) of .60 and the MUL district has a maximum FAR of 1.0. Staff recommends conditional approval since several design issues have been resolved (see *Traffic* below).

PUD Plan

There is also a request to cancel the existing undeveloped Planned Unit Development District classified within the CL district and proposed for MUL district, (5.76 acres), approved for two restaurants, one 7,475 square feet and the other 10,100 square feet, and a 5,600 square foot convenience market.

UDO Plan

The UDO plan proposes three building types (see attached plan) including the following: Building Type I: Village Core buildings, including one 30,000 square foot stand-alone building for retail or civic use, Building Type II, live-work buildings, and Building Type III, residential townhouses. The plan includes a total of 62,100 square feet, replacing 23,175 square feet of undeveloped restaurant and convenience market uses.

The applicant has also indicated that they are willing to realign Bellevue Road

The proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000. The UDO plan accomplishes the goal of creating a neighborhood scale mixed-use development. The proposed plan is more intense than the original plan and has more square feet than a proposed revision that was disapproved by the Commission in August 2001. That plan proposed the same retail box store (Zone II) in a shopping center with a total square footage of 49,950 square feet. At that meeting, the Commission determined that the loss of the restaurants, a strongly desired use in Bellevue, and the increase in square footage were not what was intended when this plan was approved originally.

Staff has been working with the applicant on a design that would create a vibrant mixed-use node. Extensive public input regarding design objectives has been generated through the recent Subarea 6 Plan Update effort. The applicant has been able to accomplish the design objectives that staff and the public have suggested. These objectives include bringing all buildings, including the 30,000 square foot retail box to the street, so as to create a street presence along Bellevue Road and Old Harding Pike, and relocating Bellevue Road to align with the other side of Bellevue Road. Staff is recommending approval because the proposed design is consistent with the Commission's intent to create a neighborhood scale development where pedestrians and cars can co-exist, and because the applicant has agreed to strict design standards enforceable through UDO requirements.

Traffic

This plan proposes a land swap for the realignment of Bellevue Road to correct an existing offset between two sections of Bellevue Road on the east and west side of Old Harding Pike. The applicant has indicated that they are willing to fund the road improvements to Bellevue Road, including the realignment, off-site sidewalks, and on-street parking. Staff is recommending approval of this proposal since the road improvements will play a large part in the success of this project. The intent of the design is to create a neighborhood town center where pedestrians and vehicles can co-exist. With the road improvements and the sidewalks along Bellevue Road, the

design objectives will be met. The Public Works Department has indicated that it is desirable that this realignment occur.

Special Design Standards

The proposed plan also establishes unique criteria regarding building size, materials, glazing, frontage, signage, façade treatment, landscaping, lighting, drainage and setbacks that are proposed to be conditioned as part of the plan. Should any changes be proposed in the future that do not comply with these conditions, Metro Council action would be required.

Mr. David Coode, Lose and Associates, reviewed the history of this proposal and presented the plan and asked for approval.

Ms. Paula Winters, Ms. Racy Peters, Mr. John Fuller spoke in favor of the proposal.

Ms. Linda Boosa expressed concerns regarding traffic and library restrictions.

Ms. Lynette Hughes, Marie Kazman, Ms. Nina Pason, Ms. Esther Smith, Mr. David Scotch, spoke in opposition and expressed concerns regarding traffic, Old Harding Road expansion, buffering, setback, right-of-way dedication and maintaining integrity.

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

Ms. Jones moved and Ms. Nielson seconded the motion for conditional approval, which means that staff will continue to work on this plan and with neighborhood concerns before it goes to Council, which carried unanimously with Councilmember Summers abstaining.

Resolution No. 2002-205

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-005G-06 is **APPROVED (6-0)**:

The proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000. The MUL and UDO plan accomplishes the goal of creating a neighborhood scale mixed-use development."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-002G-06 is given **CONDITIONAL APPROVAL (6-0)**."

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002UD-002G-06 is **APPROVED (6-0) with conditions including the realignment of Bellevue Road to correct an existing offset intersection**:

The proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000. The UDO plan accomplishes the goal of creating a neighborhood scale mixed-use development as established by planning staff and the public in a series of well attended community meetings. The proposed plan also establishes unique criteria regarding building size, materials, glazing, frontage, signage, façade treatment, landscaping, lighting, drainage and setbacks that are proposed to be conditioned as part of the UDO."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002UD-002G-06 is given **CONDITIONAL APPROVAL (6-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With any request for final approval the plans shall provide for water quality and address detention requirement of the Metropolitan Department of Public Works.
3. Parking lot layout shall be modified to eliminate the bay of 8 parking spaces adjacent to the east boundary of the existing cemetery, and indicate landscaped treatment in a 15 feet perimeter around the cemetery.
4. Parking lot lighting standards shall be included to indicate that there will be no greater than one footcandle of illumination at the edge of parking lot pavement.
5. Plan shall note that the landscape buffer adjacent to north property line shall be installed with initial construction phase.
6. Plan shall note that site maintenance activity and service area access shall be limited to the time period of 7 a.m. until 7 p.m.”

Action: Approved with conditions, including the realignment of Bellevue Road to correct an existing offset intersection.

The proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000. The UDO plan accomplishes the goal of creating a neighborhood scale mixed-use development as established by planning staff and the public in a series of well-attended community meetings. The proposed plan also establishes unique criteria regarding building size, materials, glazing, frontage, signage, façade treatment, landscaping, lighting, drainage and setbacks that are proposed to be conditioned as part of the UDO.

8. 2002Z-008U-03

Map 059-00, Parcel(s) 135 and 191; Map 060-00, Parcel(s) 72
 Subarea 3 (1998)
 District 2 (Black)

A request to change from RS7.5 district to RM9 district property at Whites Creek Pike (unnumbered), between Malta Drive and Haynie Avenue, (260.02 acres), requested by Ragan-Smith Associates, appellant, for P.H.P. Ministries, owner. (See PUD Proposal 2002P-003U-03)

9. 2002P-003U-03

Park Preserve at Skyline North
 Map 59, Parcel(s) 135 and 191; Map 60, Parcel(s) 72
 Subarea 3 (1998)
 District 2 (Black)

A request for preliminary approval for a Planned Unit Development District located abutting the east margin of Whites Creek Pike between Malta Drive and Haynie Avenue, classified within the RS7.5 district and proposed for RM9 district, (260.02 acres), to permit 370 single-family lots and 469 multi-family units, requested by Ragan-Smith and Associates, for P.H.P. Ministries, owner. (See Zone Change Proposal No. 2002Z-008U-03).

Mr. Jones stated staff recommends *approval* of the zone change and *conditional approval* of the PUD.

- **Subarea Plan amendment required?** No.

- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, and one was submitted.

Zone Change

A request to rezone 91 acres (parcel 135) of the 260 acres within this proposal from RS7.5 to RM4 was originally scheduled for the February 28, 2002, Planning Commission meeting, but the applicant requested to indefinitely defer the request in order to apply a Planned Unit Development district to the property. Staff recommended disapproval of the zone change request for several reasons: the topography is too steep to allow for a straight zone change to multi-family (a plan was needed to ensure that the hillsides would be preserved); the subarea plan calls for a mixture of housing types (a plan was needed to ensure a mixture of housing types in proximity to one another rather than in separate pods); and the subarea plan calls for a collector street to be constructed across the property (a plan was needed to ensure the construction of the collector street). Since the February 28th Commission meeting, the applicant has worked with staff in order to develop a plan that accomplishes the subarea plan's and the community's goals while achieving the developer's goals at the same time.

The applicant amended his rezoning request to change 260 acres in the Whites Creek area from RS7.5 district to RM9 district. The applicant has expanded the area from 91 acres to 260 acres in order to include property that was previously approved for a preliminary subdivision plat. The property is located along Whites Creek Pike, at the eastern terminus of Revels Drive and the southern terminus of Vista Lane. The existing RS7.5 district is intended for single-family homes at a density of nearly 5 units per acre. The proposed RM9 district is intended for multi-family dwellings at a density of 9 units per acre. The applicant is requesting this zone change to accommodate the development of 370 single-family affordable housing lots and 440 multi-family affordable housing units.

Subarea Policies

Staff recommends approval of the RM9 zoning. The property falls within three policies of the Subarea 3 Plan: Residential Medium High (RMH) policy area, which is intended for existing and future residential areas with densities between 9 and 20 units per acre; Residential Medium (RM) policy area, intended for between 4 and 9 units per acre; and Residential Low-Medium (RLM) policy area, intended for densities within a range of 2 to 4 units per acre. The requested RM9 zoning may allow a higher density than proposed by the RLM policy, but the proposed PUD plan demonstrates that the objectives of the RLM policy area are met. The RLM policy has been applied to this area due to the steep slopes. The subarea plan encourages the clustering of development on the flatter areas to avoid environmental problems associated with development of steep slopes, as proposed in the PUD plan.

The RM and RMH policies also apply since this area will be served by the planned community retail service areas in the vicinity of the Briley Parkway/Whites Creek Pike interchange to the north, and the West Trinity Lane/Whites Creek Pike intersection to the south. These policies have also been put in place in order to locate more people a short distance away from the planned and emerging industrial employment concentrations north of Briley Parkway and along the Brick Church Pike corridor. In addition, since a significant portion of this area is undeveloped, the opportunity to meet the housing variety goals of the plan exists. Detached single-family housing accounts for approximately 81% of the total dwelling units in the subarea, while condominiums and apartments account for only 7%.

Planned Unit Development

This request is for preliminary approval of a Planned Unit Development District located abutting the east margin of Whites Creek Pike between Malta Drive and Haynie Avenue to permit 370 single-family lots and 440 multi-family units on 260 acres. The proposed density is approximately 3 units per acre. The applicant is requesting a zone change to RM9 because the minimum required lot size for a single-family dwelling in the RM9 district is 5,000 square feet, while the minimum required lot size in the RM4 district is 10,000 square feet. Over one-third of the property is being dedicated as common open space, and a system of walking trails is proposed to meander throughout the site. Staff recommends conditional approval of the proposed PUD plan.

Single-Family Lots

This request includes 370 single-family lots, but the original PUD request included 450 single-family lots. The applicant originally submitted a plan that included three parcels (64, 70, and 71) owned by Metro. At this time, Metro has not signed onto either the zoning or the PUD request, therefore, those parcels have not been included. This request is essentially a combination of the previously requested zone change for parcel 135 and an approved preliminary plat, also called “The Park Preserve” which contains parcel 135.

The Park Preserve

The Park Preserve preliminary subdivision plat to create 476 single-family lots on 260 acres was approved by the Planning Commission on June 22, 2000 (2000S-187U-03). Since this property was owned by the same organization requesting the rezoning of parcel 135, and since the preliminary plat will expire June 22nd of this year, staff asked the applicant to include the property in the PUD overlay. The applicant agreed to add the property to the PUD request, and staff assisted the applicant in creating a conceptual plan that achieves a mixture of housing types, preserves the sensitive hillsides, and incorporates the collector street proposed by the subarea plan.

Multi-Family Units

This request proposes the development of 440 multi-family units of which 21 units have been allocated as housing for the physically-challenged, and 104 of the units have been designated as housing for senior citizens. Four different building types have been proposed: 1) 6 units, 2-story/1-story [split]; 2) 7 units, 1-story [level]; 3) 8 units, 2-story [level]; and 4) 10 units, 3-story/2-story [split]. Many of the multi-family buildings are oriented around a common greenspace, and all of the buildings are oriented toward the street with parking in the rear of the buildings.

Traffic

Proposed Collector Street

The Collector Street Plan for Subarea 3 proposes the construction of a circular street up to collector street standards between Ewing Lane, Trinity Lane, Brick Church Pike and Whites Creek Pike. The plan recommends that the circular collector street pass directly through the site. Several subdivisions have been approved and recorded to accommodate the implementation of the proposed street. Highland Trace subdivision was recorded in 1983. This subdivision dedicates 70 feet of right-of-way, labeled as “Trinity Hills Parkway,” adjacent to this property to assist in implementing the collector street. Parkwood Trace subdivision was recorded in 1987, and right of way, labeled as “Trinity Hills Parkway,” was also dedicated with that plat. Trinity Hills Village subdivision was recorded in 1971, and a portion of the “Trinity Hills Parkway” was constructed with 70 feet of right-of-way to accommodate the future circular collector street.

Staff feels that the proposed collector street has been an integral part of the subarea plan for many years. It is an essential component that will enable this area to successfully function as a community by linking people to jobs, open space, retail establishments, and to each other. The collector street proposed by the subarea plan has been provided within this PUD plan.

Traffic Impact Study

A traffic impact study has been submitted by the applicant. The Metro Traffic Engineer has recommended approval of the traffic impact study with the following conditions:

1. Construct a right-turn lane from Whites Creek Pike onto Revels Drive with 125 feet of full length and a 170-foot taper.
2. Construct a left-turn lane from Ewing Drive onto Vista Lane which is a collector street. The full length of the turn lane shall be 75 feet, with a 300-foot taper.
3. Widen Monticello Drive at Trinity Lane to provide two approach lanes. Monticello also is a collector street. The full length shall be 100 feet, with a 100-foot taper.

4. Construct Trinity Hills Parkway as shown on the collector street plan to the extent that it falls on this property.

Schools

A single-family development with the existing RS7.5 zoning could generate approximately 517 students (216 elementary, 162 middle school, and 140 high school). A multi-family development at the proposed RM9 density could generate 819 students (342 elementary, 256 middle, and 221 high school). The proposed PUD plan with a mixture of housing types will generate approximately 303 students (127 elementary, 95 middle, and 81 high school). Students will attend Old Center or Joelton Elementary School, Brick Church or Joelton Middle School, and Hunters Lane or Whites Creek High School. Joelton Middle School is the only school that has been identified as being overcrowded by the Metro School Board.

Mr. Bret Smith, Ragan-Smith and Associates, agreed with the conditional approval and stated he was present to answer any questions the Commission might have.

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

Resolution No. 2002-206

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-008U-03 is **APPROVED (6-0)**:

The proposed RM9 district and PUD is consistent with the overall combined density that is called for by the three policies of the Subarea 3 Plan: Residential Medium High (RMH) intended for existing and future residential areas with densities between 9 and 20 units per acre; Residential Medium (RM) intended for between 4 and 9 units per acre; and Residential Low-Medium (RLM) intended for densities within a range of 2 to 4 units per acre. Although the RM9 zoning may allow a higher density than intended by the RLM policy, the associated PUD plan ensures the objectives of the RLM policy are met. The subarea plan encourages the clustering of development on the flatter areas to avoid environmental problems associated with development of steep slopes which the PUD plan achieves."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-003U-03 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (6-0)**: The following conditions apply:

1. Approval of this preliminary PUD plan and associated zone change (2002Z-033G-02) by the Metropolitan Council.
2. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Metro Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

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 prior to the issuance of any building permits.
7. Prior to the issuance of any building permits for any phase, a final plat shall be recorded including any necessary bonds for public improvements including sidewalks. The final plat shall include an access easement to the cemetery and all required right-of-way dedications and reservations as shown on the preliminary PUD plan."

10. 2002Z-033G-02

Map 007-00, Parcel(s) 198, 199, 200, 201
 Subarea 2 (1995)
 District 10 (Balthrop)

A request to change from R40 district to RM4 district properties at 1900, 1906, 1910 and 1914 Tinnin Road, at the intersection of Tinnin Road and Springfield Highway, (6.26 acres), requested by Richard Uselton, appellant/owner. (See PUD Proposal No. 2002P-002G-02).

11. 2002P-002G-02

Magnolia Station Condominiums
 Map 7, Parcel(s) 198, 199, 200 and 201
 Subarea 2 (1995)
 District 10 (Balthrop)

A request for preliminary approval for a Planned Unit Development District located abutting the north margin of Springfield Highway and the east margin of Tinnin Road, classified within the R40 district and proposed for RM4 district, (6.26 acres), to develop 24 condominium units, requested by Ragan-Smith Associates, appellant, for Richard Uselton, owner. (See Zone Change Proposal No. 2002Z-033G-02).

Ms. Regen staff recommends *approval of the zone change and conditional approval of the preliminary PUD*.

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

This request is to change from R40 (residential) to RM4 (multi-family residential) district properties at 1900, 1906, 1910 and 1914 Tinnin Road, at the intersection of Tinnin Road and Springfield Highway. There is also a Preliminary PUD request to construct a 24-unit condominium complex. The existing R40 district is intended for single-family and duplex dwellings at 1 unit per acre. The proposed RM4 district is intended for duplex and multi-family dwellings at 4 units per acre. With the proposed RM4 zoning approximately 25 units could be constructed on this site.

Zone Change

Staff recommends approval of the proposed RM4 district since the PUD will restrict the types of uses permitted on the properties. These properties are within the Subarea 2 Plan's Residential Low Medium (RLM) policy area calling for 2 to 4 units per acre. The density proposed with the RM4 district is consistent with the subarea policy. This zone change was presented to the Planning Commission at the April 25, 2002 meeting. At that time, staff recommended disapproval due to the existing pattern of single-family homes and the uncertainty of what would be constructed with the RM4 district. The Planning Commission disapproved this request at that time, agreeing with the staff recommendation. Since then the

applicant has developed a PUD plan, which better outlines and controls what the applicant will construct on the properties. Since the applicant has added the PUD overlay to the properties, staff feels the proposed development will create a sensible transition from single-family homes to multi-family dwellings. The Planning Commission agreed to rehearing the zone change again at its meeting on May 9, 2002.

PUD Plan

Staff recommends approval of the Magnolia Station preliminary PUD. This preliminary PUD is for 24 condominium units on 6.26 acres at a density of 3.83 units per acre. These properties are adjacent to RS40 and RS20 district. Therefore no landscape buffer is required. The Zoning Regulations require one parking space per bedroom when developing multi-family dwelling units. This development is for 24 two-bedroom units, which will require 48 parking spaces. There is a cemetery located on the southern portion of the property. The applicant is proposing access to the cemetery to come from within the development. Also, the applicant is providing two parking spaces for cemetery visitation. The cemetery is separated from the development by an internal walkway system and a line of trees. The northern portion of lot 4 is being reserved as a common open space area accessed by a 195-foot sidewalk.

Traffic

The PUD is accessed by one main driveway from Tinnin Road. The Metro Traffic Engineer has indicated that this development cannot have access to Springfield Highway. Tinnin Road is a planned collector street with an ultimate right-of-way of 60 feet. Currently, Tinnin Road has a 50-foot right-of-way. Therefore, the applicant has shown on this PUD plan the dedication of 5 feet of right-of-way along the properties frontage on Tinnin Road, and reservation of 36 feet of right-of-way along the properties frontage on Springfield Highway. Springfield Highway has an ultimate planned right-of-way of 172 feet.

Schools

A multi-family development at RM4 density will generate approximately 7 students (3 elementary, 2 middle, and 2 high school). Students will attend Goodlettsville Elementary School, Goodlettsville Middle School, and Hunters Lane High School. None of these schools have been identified as being overcrowded by the Metro School Board.

Mr. Randy Caldwell, Ragan-Smith and Associates, stated he was in agreement with all conditions and present to answer any questions.

Mr. Glen Yates, Ms. Nordene Jernigan, Mr. Tony Locke, Ms. Janie Jones, Mr. Fred Lewis, Mr. Jay Jernigan, Mr. Terry Harris, and Ms. Betty Crumble spoke in opposition to the proposal and expressed concerns regarding traffic, safety, and the desire to maintain single family homes.

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

Ms. Nielson asked, on the property as it stands, how many single-family dwelling could be built.

Ms. Regen stated they have a subdivision PUD already approved and it is not for six units. The original PUD was approved for 4 or 5 lots. If you were to rezone it to single family residential use of RS10 it would still allow 20 dwelling units. As far as balancing it we were looking at the overall policy trying to provide a diversity of housing in this area.

Councilmember Summers asked Councilmember Balthrop what her position was on this, because he was not present during the first part of the meeting.

Councilmember. Balthrop stated that some of people that had just talked live about a mile from the property. Part of this has been approved by the Planning Commission and I don't have a problem with it.

Councilmember Summers moved and Mr. McLean seconded the motion, which carried unanimously, to adopt staff recommendation for the zone change and preliminary PUD approval.

Resolution No. 2002-207

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-033G-02 is **APPROVED (6-0)**:

The proposed RM4 district is appropriate with the associated PUD since the PUD will restrict the types of uses permitted on the property to 24 condominium units. The PUD is also consistent with the Subarea 2 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 units per acre with the following traffic conditions:

1. **No access shall be provided to Springfield Highway from parcels 198 – 201 on tax map 7 per the Metro Traffic Engineer.**
2. **A dedication of five (5) feet of right-of-way along the properties frontage on Tinnin Road shall be shown on the associated Planned Unit Development (PUD) plan for Magnolia Station Condominiums (2002P-002G-02). Tinnin Road is a planned collector street with an ultimate right-of-way width of 60 feet. Today, it has only 50 feet of right-of-way.**
3. **A reservation of 36 feet of right-of-way on Springfield Highway along the property's frontage (parcel 198 on tax map 7) shall be shown on the PUD plan for Magnolia Station Condominiums (2002P-002G-02). Springfield Highway has an ultimate planned arterial street right-of-way width of 172 feet."**

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-002G-02 is given **CONDITIONAL PRELIMINARY PUD APPROVAL (6-0)**: The following conditions apply:

1. Approval of this preliminary PUD plan and associated zone change (2002Z-033G-02) by the Metropolitan Council.
2. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Metro Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
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 prior to the issuance of any building permits.
7. Prior to the issuance of any building permits for any phase, a final plat shall be recorded including any necessary bonds for public improvements including sidewalks. The final plat shall include an access easement to the cemetery and all required right-of-way dedications and reservations as shown on the preliminary PUD plan."

12. 2002Z-045U-10
Map 104-02, Parcel(s) 154, 155
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from RM20 district to RM40 district properties within the Urban Zoning Overlay district at 219 and 221 31st Avenue North, between Belwood Street and Long Boulevard, (0.33 acres), requested by James Mason, IV, appellant/owner.

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

Subarea Plan Amendment required? **Yes**.

Traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods? **No**.

This request is to change .33 acres from RM20 to RM40 district properties within the Urban Zoning Overlay district located at 219 and 221 31st Avenue North, approximately 1,000 feet north of West End Avenue. The existing RM20 district is intended for moderately high intensity multi-family structures at a density of 20 units per acre. The proposed RM40 district is intended for high intensity multi-family developments at a density of 40 units per acre. The proposed RM40 zoning would permit 13 multi-family units on the .33 acres.

Subarea 10 Plan

Staff recommends disapproval of the proposed zone change as contrary to the General Plan. The property is within the Subarea 10 Plan's Residential Medium High (RMH) policy. The RMH policy category is intended for existing and future residential areas characterized by densities of between 9 to 20 dwelling units per acre. The proposed RM40 zoning would allow for twice as many units as intended by the policy. The Subarea 10 Plan recommends that properties in this area be consolidated to encourage well-designed developments rather than a "hit and miss" pattern of triplexes, quadplexes, and scattered apartment houses. Staff feels that this request is not only too dense for the existing policy, but it also would lend to the "hit and miss" pattern discouraged by the subarea plan.

Design Plan

A design plan is necessary to prevent the erratic pattern of development opposed by the subarea plan. Staff feels that there are three possible options that could be utilized by this and future applicants in order to ensure well-designed developments that contribute to the overall success of the area. Those options are as follows:

1. A plan amendment and a detailed neighborhood design plan along 31st Avenue North from West End Avenue to Parthenon Avenue,
2. An Urban Design Overlay applied to the 31st Avenue North corridor from West End Avenue to Parthenon Avenue, or
3. A Planned Unit Development to ensure that proposed developments along 31st Avenue North do not create a "hit and miss" pattern, but rather work together to create a sense of unity and rhythm along this important corridor.

A land use policy line has been drawn down the center of this portion of 31st Avenue North. The line creates an RMH policy on the west side of 31st Avenue North and an Office Concentration (OC) policy on the east side of the street. Offices are intended to be the predominant uses in the OC policy area, but the policy also calls for certain types of commercial uses that cater to office workers and residential uses with higher densities than proposed for the RMH policy. A subarea plan amendment associated with a detailed neighborhood design plan, an Urban Design Overlay, or requiring PUDs along this corridor may allow for complementary uses with similar densities on both sides of 31st Avenue North. Staff feels that applying one of these options would help avoid the "hit and miss" pattern discouraged by the subarea plan, while this zone change request only promotes the unwanted pattern.

Traffic

The Metro Traffic Engineer has indicated that this zone change will not create a significant change in traffic volumes. Traffic impact studies are usually not required for small rezonings, however, rezoning small properties to higher densities in this “hit and miss” pattern may cause serious traffic problems to go un-noticed until it is too late. Staff feels that a significant change in traffic volumes may occur in this area if small properties are sporadically rezoned to higher densities.

- I-440 Impact Area Overlay
The property also falls within the I-440 Impact Area Overlay. The overlay states that higher density residential zoning is not appropriate unless accessibility is substantially improved to major arterial streets other than West End Avenue, such as Charlotte Pike, and traffic studies are conducted to determine that satisfactory levels of traffic service can be maintained with the higher densities in the subarea.

Staff feels that traffic concerns would be addressed through a subarea plan amendment associated with a detailed neighborhood design plan, an Urban Design Overlay, or Planned Unit Development overlay.

Schools

A multi-family development at RM40 density will generate approximately 1 student (1 elementary, no middle, and no high school). Students will attend Eakin Elementary School, West End Middle School, and Hillsboro High School. Eakin Elementary has not been identified as being overcrowded by the Metro School Board, but West End Middle School and Hillsboro High School have both been identified as being overcrowded.

Ms. Grace Harbison stated the property shown in the slides is her property and questioned why.

Mr. Jones stated her property was used as an example and was not to be rezoned.

Mr. John Logan, representing the Acklen Park Neighborhood Association, expressed concerns regarding traffic, rental property, and crime, and presented the Commission with a petition in opposition.

Mr. James Mason, property owner, spoke in favor of the proposal.

Mr. Justin Grimbley spoke in opposition.

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

Mr. McLean listed the lots that are apartments on that side of Long Boulevard and stated the character on that side is not single family. It is apartments and maybe the density is an issue, but they could come back in with a different type of proposal.

Councilmember Summers moved and Ms. Cummings seconded the motion, which carried unanimously to disapprove as contrary to the General Plan.

Resolution No. 2002-208

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-045U-10 is **DISAPPROVED (6-0) as contrary to the General Plan:**

The proposed RM40 district is not consistent with the Subarea 10 Plan’s Residential Medium High (RMH) policy calling for densities of between 9 to 20 dwelling units per acre. The proposed RM40 zoning would allow for twice as many units as intended by the policy. Without a neighborhood design plan, an Urban Design Overlay (UDO) district, or a Planned Unit Development (PUD), there is no

way to ensure a development will be compatible with the surrounding neighborhood. A subarea plan amendment associated with a detailed neighborhood design plan, a UDO, or requiring PUDs along this corridor may allow for complementary uses with similar densities on both sides of 31st Avenue North.”

15. 2002Z-048U-10
Map 092-14, Parcel(s) 39
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from IR district to ORI district property at 3000 Charlotte Avenue, approximately 450 feet west of 38th Avenue North, (4.48 acres), requested by Phil Pace of FLOREAT, Inc., appellant, for Records-Browne, LLC, owner.

Staff recommends *approval*.

Subarea Plan Amendment required? **No, this property falls along the boundary between the Subarea 8 Plan’s Corridor Center policy calling for a transition between boundaries.**

Traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods? **No.**

This request is to rezone 5 acres from IR (industrial) to ORI (office and residential intensive) district property located at 3000 Charlotte Pike, west of 28th Avenue North. The existing IR district is intended for light manufacturing uses at a small to moderate scale, while the ORI is intended for office and residential multi-family uses with limited retail opportunities. The ORI district allows a maximum Floor Area Ratio (FAR) of 3.0, while the IR district has a maximum FAR of 0.60. The Planning Commission approved the ORI district on the adjacent parcel (parcel 392) on October 14, 1999. The Planning Commission found that ORI was consistent with the Subarea 10 Plan’s Mixed Use (MU) policy, calling for a mixture of commercial, higher density residential, and medical office uses. It was determined that ORI would serve as a transition to the Industrial and Distribution (IND) policy to the west. The applicant has indicated that the purpose of this request is to allow for medical offices and a surgery center on site, as is located on the adjacent property to the east.

Although this property falls within the Subarea 10 Plan’s IND policy calling for storage, business centers, wholesale centers, and manufacturing uses, it is adjacent to an existing ORI district, and an area designated in the new Subarea 8 Plan as Corridor Center (CC) policy. The CC policy on the north side of Charlotte Pike calls for dense, predominately commercial areas at the edge of a neighborhood. It also allows for medical office, office, and residential uses. The plan emphasizes the need for a smooth transition from one area to another. The Subarea 8 Plan also states: “This area (CC policy) tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods.”(page 68).

In order to better accomplish this goal, staff recommends approval of the ORI district since it will serve as a transition from the CC policy across the street to the IND policy on the south side of Charlotte Pike, and it will provide an interface between the industrial area and the Corridor Center area to the north. It is appropriate for industrial uses to remain in this area, but with the next Subarea 10 Plan update, the IND policy along the frontage of Charlotte Pike needs to be re-evaluated. Given this property’s proximity to the large medical campuses of Baptist Hospital and Centennial Hospital, and the new Subarea 8 Plan’s CC policy, ORI is appropriate along the frontage of Charlotte Pike. Rezoning this property to ORI will allow the opportunity for future uses on both sides of Charlotte Pike to mirror one another. Staff also recommends approval since there is an abundance of underutilized industrial properties in the West Nashville area.

Traffic

The Metro Traffic Engineer has indicated that a Traffic Impact Study is not required at the current time, but may be required at the building permit stage depending on the exact uses and the proposed square footages.

Resolution No. 2002-209

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-048U-10 is **APPROVED (6-0)**:

Although this property falls within the Subarea 10 Plan's IND policy calling for storage, business centers, wholesale centers, and manufacturing uses, it is adjacent to an existing ORI district, and an area designated in the new Subarea 8 Plan as Corridor Center (CC) policy. The CC policy on the north side of Charlotte Pike calls for dense, predominately commercial areas at the edge of a neighborhood. The plan emphasizes the need for a smooth transition from one area to another. Given this property's proximity to the large medical campuses of Baptist Hospital and Centennial Hospital, and the new Subarea 8 Plan's CC policy, ORI is appropriate along the frontage of Charlotte Pike."

17. 2002Z-057G-04

Map 034-07, Parcel(s) Part of 34 (10.5 ac)
Subarea 4 (1998)
District 10 (Balthrop)

A request to change from R20 to RM9 district property at Spring Branch Drive (unnumbered), abutting the terminus of Spring Branch Drive between Twin Hills Drive and Shepherd Hills Drive (10.5 acres), requested by Gary Batson of Batson and Associates, appellant, for Glen Nabors, owner. (See PUD Proposal No. 235-84-G-04).

18. 235-84-G-04

Harbor Village Phase IV
Map 34-7, Parcel(s) Part of 34
Subarea 4 (1998)
District 10 (Balthrop)

A request to amend a portion of the preliminary plan for a Residential Planned Unit Development District located abutting the terminus of Spring Branch Drive between Twin Hills Drive and Shepherd Hills Drive, classified R20 and proposed for RM9, (10.5 acres), to permit the re-design of the undeveloped 93 multi-family residential units, requested by Batson and Associates, appellant, for Glen F. Nabors, owner. (See Zone Change Proposal No. 2002Z-057U-04).

Mr. Leeman stated staff recommends *approval* of the zone change and *conditional approval* of the PUD amendment.

Subarea Plan Amendment required? **No, this property falls within an existing PUD approved for multi-family in 1984.**

Traffic Impact study required to analyze project impacts on nearby intersections and neighborhoods? **Yes, and one has been submitted.**

This request is to change 10.5 acres from R20 (residential) to RM9 (multi-family) district a portion of property located at Spring Branch Drive (unnumbered) within an existing PUD. There is also a request to amend the existing PUD to change the layout of a portion of the plan approved for 93 multi-family units. The existing R20 district is intended for single-family and two-family development, while the proposed RM9 district is intended for multi-family development at up to 9 dwelling units per acre. The existing PUD plan is approved for 93 multi-family units on this portion of the plan at a density of 8.9 dwelling units per acre. When this PUD plan was originally approved in 1984, the Zoning Ordinance at that time did not

require the base zoning to be changed to allow for multi-family development; the PUD overlay was simply applied on top of the existing base zoning. When a new PUD is applied today, or when a previously approved PUD is amended by the Metro Council, the current regulations require the base zoning to be consistent with whatever is proposed with the PUD.

PUD Plan

The 1984 preliminary PUD plan included 125 townhomes and 46 single-family lots for a total of 171 units. Phase IV was approved for 93 two-story, 640 square foot townhomes. The current proposal to amend this phase of the plan includes 93 townhomes with approximately 1,950 square feet per unit. Although the uses are the same, the building locations, internal driveways, and open space have changed. The unit size has increased significantly, causing the elimination of some of the open space on this phase of the plan. Although the open space on this portion of the plan has decreased, it still meets the current Zoning Ordinance requirements of 15%. Coleman Lake, which is included in this phase of the PUD plan as open space, is approximately 22 acres.

Zone Change

Although this proposal falls within the Subarea 4 Plan's Residential Low (RL) policy calling for up to 2 dwelling units per acre, it is located within an existing, grandfathered PUD approved in 1984 for 93 townhomes. Since this property is currently approved for 93 townhomes within the PUD, staff recommends approval of the zone change. The RM9 district will bring the zoning into compliance with the current Zoning Ordinance, as well as the existing PUD. Staff recommends approval of the zone change since it is consistent with the approved density in the PUD.

Traffic

A Traffic Impact Study (TIS) was submitted by the applicant and reviewed by the Metro Traffic Engineer. The Metro Traffic Engineer said the TIS did not require any off-site traffic improvements. Spring Branch Drive and Twin Hills Drive can currently accommodate the traffic generated by 93 units.

Schools

A single-family development with 93 multi-family units could generate approximately 22 students (9 elementary, 7 middle, and 6 high school). Students will attend Gateway Elementary School, Goodlettsville Middle School and Hunter's Lane High School. The Metro School Board has not identified any of these schools as being over capacity.

Mr. Freddie Clay, Mr. Matthew Bell, Tim Farris, Ms. Ella Wright, Mr. Jack Oskin, and Mr. Kramer spoke in opposition to the proposal and expressed concerns regarding parking, traffic, water drainage, excessive square footages, small lots, the environment, and additional cut-through traffic.

Ms. Burnadette Ferrell and Ms. Pat Storey spoke in favor of the proposal

Ms. Marie Burr asked that if the Commission did approve this, could it be conditionally contingent upon the agreement between the builders and the neighborhood committee concerning the exterior structure material of the homes and the type of buffer zone or fencing on the side of the PUD.

Chairman Lawson stated the Commission could not condition the exterior of the building. As for the buffering, it will be part of the final approval on the PUD.

Mr. Gary Batson, developer, stated he felt he could work with the neighbors to work out some of their concerns at a meeting scheduled for tonight.

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

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to approve staff recommendation.

Resolution No. 2002-210

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-057G-04 is **APPROVED (6-0)**:

Although this proposal falls within the Subarea 4 Plan’s Residential Low (RL) policy calling for up to 2 dwelling units per acre, it is located within an existing, grandfathered PUD approved in 1984 for 93 townhomes. Since this property is currently approved for 93 townhomes within the PUD, this proposal to redesign a portion of the plan is consistent with the current zoning. The RM9 district will bring the zoning into compliance with the current Zoning Ordinance, as well as the existing PUD.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 235-84-G-04 is given **CONDITIONAL APPROVAL (6-0)**: The following conditions apply:

1. Approval of this PUD amendment and Zone Change (2002Z-057G-04) by the Metro Council.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Metro Water Services.
3. In conjunction with the submittal of any final PUD plan for any phase, a plan shall be submitted to the Metro Planning Department showing all buildings located outside of any easement and/or required landscape buffer yards.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

19. 78-86-P-12
Southmark
Map 161, Parcel(s) 272
Subarea 12 (1997)
District 31 (Knoch)

A request to revise a portion of an existing Residential and Commercial Planned Unit Development District located along the west margin of Nolensville Pike and approximately 850 feet south of Swiss Avenue, classified within the R10 district, (16.15 acres), to permit 155 townhomes, replacing a 49,500 square foot church and daycare center, where the original PUD as approved by Metro Council permitted 160 multi-family units, requested by Alaric Development, appellant, for The Tusculum Church of Christ, owner.

Ms. Regen stated staff recommends *conditional approval*.

The applicant has requested to revise the preliminary plan of the Southmark Residential PUD to permit the development of 155 attached townhouse units, to replace a 34,000 square foot church and day care center. At issue is whether the request to revise the preliminary PUD from a church to townhouses constitutes a minor modification requiring only Planning Commission approval. Staff believes that due to the fact that the original PUD development plan approved in 1986 permitted 160 multi-family units, and then was revised in early 2000 to allow the development of the church, a revision back to townhouses – with a five (5) unit net reduction – would not require a PUD amendment before Metro Council. Although this application has been submitted as a revision to the PUD, staff believed it was in the best interest of the

surrounding property owners to mail a courtesy notice, providing the time and date of the Planning Commission's hearing of this item, to those owners within 300 feet of the subject property. Staff recommends conditional approval.

The property is located approximately 550 feet west of Nolensville Pike, south of Swiss Avenue. The proposed plan successfully meets district bulk regulations such as floor area ratio (FAR), impervious surface ratio (ISR), and parking requirements. Approximately 60% of the site is shown as open space for the townhouse site. The proposed density of 9.6 units per acre supports the Subarea 12 Plan's Residential Medium High (RMH) allowable density of 9 to 20 units per acre.

The entire Southmark commercial and residential PUD was created in 1986 allowing for the development of 135,300 square feet of retail, office, and restaurant uses on 10 acres abutting the west margin of Nolensville Pike, and allowed for 160 multi-family units on the 16.15 acre site west of the commercial portion. In January 2000, the Planning Commission conditionally approved a revision to the multi-family portion to allow for a church, provided that a northbound left-turn lane be constructed on Nolensville Pike into the development. In September 2000, the Metro Council approved the 10-acre commercial portion of the PUD for cancellation. For this application to revise the residential portion, Metro Public Works required that the applicant carry-over the previous condition from the church or provide a new traffic impact study. The applicant has agreed to provide the northbound left-turn lane on Nolensville Pike.

Schools

A multi-family development, with 155 townhouses, could generate approximately 26 students (11 elementary, 8 middle school, and 7 high school). Students coming from the proposed townhouses will attend Granberry Elementary, Oliver Middle School, and Overton High School. The school board has provided information indicating that Granberry Elementary is over capacity; however, Overton High is currently not over capacity and Oliver Middle is slated for construction.

An unidentified man expressed concerns regarding traffic and infrastructure.

Mr. Eric McNeilly, Civil Site Design Group, stated they are providing a 125 foot turn lane for the transition.

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

Resolution No. 2002-211

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-86-P-12 is given **CONDITIONAL PRELIMINARY APPROVAL (6-0)**: The following conditions apply:

1. Prior to or in conjunction with the submittal of any final PUD plans, construction plans for off-site road improvements shall be submitted to the Planning Commission for review and approval by the Metropolitan Department of Public Works and the Planning Commission, including a northbound left-turn lane at the northernmost entrance into the site from Nolensville Pike, with storage of 125 feet and a 275 foot taper.
2. 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.”

20. 98P-003G-06
Bellevue Assisted Living
Map 142, Parcel(s) 12
Subarea 6 (1996)
District 23 (Bogen)

A request to amend a portion of the Residential Planned Unit Development District, located abutting the east margin of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive, classified within the RM9 district, (3.2 acres), to permit a change in the required masonry brick wall along the north and east property lines of the Bellevue Assisted-Living development to a wooden fence with brick columns, requested by Prime Quest, LLC, appellant/owner.

Ms. Fuller stated staff recommends *disapproval*.

This request was deferred indefinitely by the applicant from the April 25, 2002 Planning Commission agenda. The request is for a PUD amendment for the Bellevue Assisted Living development to substitute a wooden fence with brick columns in place of a masonry wall along the northern and eastern property lines, as required through conditions approved by Metro Council. The property is located in Bellevue, on the east margin of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive.

The original request was for a revision to preliminary and final PUD. Staff felt that this request should be an amendment to the PUD requiring Metro Council action. The plan changes the basic development concept of the PUD by eliminating a masonry wall originally proposed as part of the overall PUD. The Zoning Ordinance (Section 17.40.120 G.2.a) establishes the criteria for the Planning Commission to decide whether a proposed change is an amendment or a revision: "In the judgment of the commission, the change does not alter the basic development concept of the PUD." It should be noted that a precedent was set for dealing with these type changes as a PUD amendment requiring Metro Council action with the Coventry Woods PUD (Case number: 84-300-U-04) at the January 10, 2002 Planning Commission meeting. The Planning Commission determined that PUDs are put in place with the trust of the community and any significant change should go before the council. Although the scale of the Coventry Woods request and the Bellevue Assisted Living request differ, the premise that the community should be able to trust that the conditions of approval are upheld is still the same.

The entire plan for Bellevue Assisted Living was given final approved in 1998, with a condition that a masonry wall be constructed along the north and east property lines of the development. Staff is recommending disapproval of this plan since it eliminates the masonry wall that was originally a specific requirement placed on the plan. This wall was heavily debated in the original approval because the applicant wished to remove it completely and use an earthen berm and plant materials as a screen. Meetings were held with abutting property owners to discuss this issue and the masonry wall was ultimately required as a condition of approval. There have been no changes in the development pattern of the area that would warrant removing this condition.

Ms. Linda Boosa and Ms. Karen Webb spoke in opposition to the proposal.

Mr. Henrich Tishler, representing Prime Quest, stated a wood fence will fit in better with the landscaping and asked for approval.

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

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

Resolution No. 2002-212

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-003G-06 is given **DISAPPROVAL (6-0)**:"

Staff recommends disapproval since this plan eliminates the masonry wall that was originally a specific requirement placed on this plan. There have been no changes in the development pattern of the area that would warrant removing this condition.”

21. 2002UD-001U-10

Green Hills

Map 117-14, Parcel(s) 64, 90, 91, 97-100, 102, 103, 105, 107, 112, 114-120, 122-135, 137, 139-150, 140.02, 144.01, 156-158, 161-165, 170-172, Part of 55 (2.7ac), and 50.01 (2.3ac); Map 131-020B, Parcel(s) 1-6; Map 131-02, Parcel(s) 7, 10-16, 18, 19, 22 Subarea 10 (1994)
District 25 (Shulman)

A request to apply the Urban Design Overlay (UDO) District to various parcels in a portion of the Green Hills commercial area along Hillsboro Drive, Bandywood Drive, portions of Hillsboro Pike, Abbott Martin Road, Hillsboro Circle, Hobbs Road, Richard Jones Road, and Warfield Drive, classified OR20, SCR, and RM20 districts, (80.9 acres), requested by Planning Department staff.

Mr. Fawcett stated staff recommends *approval* of the UDO in order to provide an additional means of implementing the Green Hills Urban Village Plan.

Green Hills UDO development process

In 1999, the Planning Commission endorsed the Green Hills Urban Village Plan that set forth a set of recommendations addressing land use, transportation and design issues in the largely commercialized area of Green Hills. A citizen advisory committee working with staff and a consultant developed that plan. Creation of an urban design overlay district was one of the key recommendations of the plan. Accordingly, over the past two year period, staff has worked with a committee of property owners and other stakeholders to develop a draft UDO document. Technical assistance was also provided under a contract with Gresham Smith and Partners. The committee members were selected by staff and Councilmember Shulman. Numerous meetings open to the public have been held with the committee and three community-wide meetings have been held for input and feedback.

Green Hills UDO goal and objectives

The overarching goal for this UDO is to give three-dimensional form to the concept of the urban village as presented in the Green Hills Urban Village Plan.

Urban Design Overlay Objectives:

- Establish a compact multi-level mixed-use development pattern distributed along a system of streets.
- Ensure that buildings are oriented to and linked by a cohesive pedestrian system.
- Provide shared parking located conveniently to multiple destinations.
- Provide multiple transportation service opportunities (pedestrian, car, transit, bicycle).
- Provide high quality (functional and aesthetic) open spaces for assembly, relaxation, civic events, display of public art and other similar purposes.
- Provide a high level of pedestrian-generating activity along streets.

Area size and location

The UDO area is large enough to have an impact by setting an example for the rest of Green Hills (see illustration below). At the same time, it is small enough to have a reasonable chance of support from a strong majority of included property owners. The proposed area has about the same number of owners as the Hillsboro Village UDO.

The location of the area was determined based on visibility and the prospects for economic change in the near future. A substantial portion of the area has frontage along Hillsboro Pike. The underutilized H. G.

Hill property is undergoing evaluation for redevelopment in the near future. The facades of mall buildings along the north margin of Abbott Martin are included to encourage future redevelopment along the following lines: use of the ground floor level of the two existing parking garages as retail space oriented to Abbott Martin and new construction to extend the mall building to the street with new ground level shops related to the street frontage.

UDO provisions – basis

The Green Hills UDO differs from other UDO's in that use of the provisions is *optional* rather than mandatory. It was determined early in working with the committee of property owners that they were only willing to pursue a UDO if the provisions were incentive-based rather than mandatory. This point of view was corroborated by other property owners in community-wide meetings and by those who attended the numerous committee meetings. The incentives used in this UDO are presented in Section B of the Appendix, starting on Page 46 of the draft document. There are some provisions that can be employed without choosing to use incentives. These are in the Appendix within subsections under "GENERAL PROVISIONS" headings.

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

Resolution No. 2002-213

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002UD-001U-10 is **APPROVED (6-0)**:

The Green Hills Urban Design Overlay Objectives are consistent with the Subarea 10 Plan's goals and objectives including establishing a compact multi-level mixed-use development pattern distributed along a system of streets; ensuring that buildings are oriented to and linked by a cohesive pedestrian system; providing shared parking located conveniently to multiple destinations; providing multiple transportation service opportunities (pedestrian, car, transit, bicycle); providing high quality (functional and aesthetic) open spaces for assembly, relaxation, civic events, display of public art and other similar purposes; providing a high level of pedestrian-generating activity along streets."

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002UD-001U-10 is given **APPROVAL (6-0)**."

R10

OTHER BUSINESS

30. Election of Officers

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to re-elect Jim Lawson as Chairman and Doug Small as Vice Chairman.

Chairman Lawson moved and Ms. Cummings seconded the motion, which carried unanimously, to re-elect Ann Nielson as representative to the Historic Commission.

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to re-elect Jim Lawson as representative to the Park Board.

Chairman Lawson stated legal counsel has advised the Commission should confirm the Rules and Procedures each year.

Mr. McLean moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the Rules and Procedures of the Metropolitan Planning Commission.

32. Legislative Update

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:45 p.m.

Chairman

Secretary

Minute Approval: this 13th day of June 2002



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