



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Agenda
Of the
Metropolitan Planning Commission**

November 11, 2004

PLANNING COMMISSION:

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

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner III
Adriane Harris, Planner II
Bob Leeman, Planner III
Luis Pereira, Planner I
Chris Wooton, Planning Tech I

Commission Members Absent:

Phil Ponder

I. CALL TO ORDER

The meeting was called to order at 4:08 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond mentioned that there were two addendums for the agenda. The addendums are Item #45, 2004Z-021T which is a Council Bill to amend Section 17.40.740 to provide for the wavier of application fees for certain zoning applications initiated by Members of Council and Item #46, 2004Z-139G-12 which is a zone change request from AR2a to RM9 at 6614 Nolensville Pike.

Ms. Hammond also announced a correction to Item #43. The item should read: "Contract for Brad Thompson and a new contract for Brenda Bernards".

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

III. APPROVAL OF OCTOBER 28, 2004 MINUTES

Ms. Jones stated that a correction should be made to the October 28th, 2004 minutes regarding Item 2004S-286G-06 – Magnolia Hills. She indicated that the condition regarding the sidewalk variance was incorrect. The corrected version pertaining to the sidewalk variance should read as follows:

"Approved with clarification that the condition of approval of the variance for 2004S-286G-06 is not to construct a sidewalk from the entrance to the subdivision to Harpeth Valley Elementary, but rather to construct the sidewalk on both sides of Magnolia Drive, along the entire Old Harding Pike property frontage for this subdivision.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously to approve the minutes of October 28, 2004 as amended. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilman Gotto spoke regarding Item #21 – 154-73-G-14 Hermitage Woods Raintree Village. He requested that the Commission approve the request to cancel the PUD subject to conditions required by Public Works.

Councilman Shulman spoke regarding Item #7 2004Z-140-10. He requested deferring this item to December 9, 2004. He stated that the developer was present and has agreed to the deferral. The deferral would allow additional time for the developer to meet with community members who would be affected by this proposal. Councilman Shulman spoke in favor of Item #33 2004M-112U-10. He also spoke in favor of Item #45 – 2004Z-021T. Councilman Shulman requested that the planning staff provide assistance with this council bill amendment.

Mr. Bernhardt explained the circumstance regarding this text amendment to the Commissioners. He stated that the Planning Department would assist with the amendment.

Councilman Craddock stated he would address the Commission after his item was presented.

Councilman Jameson spoke in favor of staff's recommendation to disapprove Item #13 2004Z-151U-05 and Item #14 2004P-031U-05. He stated that the neighbors affected by this proposal were not in favor of approval. He also spoke in favor of Item #42 – Metropolitan Development Housing Agency Redevelopment Plan.

Councilman Toler stated he would address the Commission after his item was presented.

Councilman Coleman stated he would address the Commission after his item was presented.

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

- | | | |
|-----|----------------|--|
| 2. | 2004M-092U-08 | Request to close an unbuilt portion of 31 st Avenue North – deferred to December 9, 2004 at the request of the applicant. |
| 4. | 2004Z-118U-12 | Change from R6 to RM15 at J.J. Watson Avenue -- deferred to December 9, 2004 at the request of the applicant. |
| 20. | 2004S-319U-05 | Request for final plat approval to remove the sidewalk requirement on Homestead Road and Dickerson Pike -- deferred to December 9, 2004 at the request of the applicant |
| 24. | 89P-013U-12 | Request to revise a portion of the preliminary and for final approval for a portion of a Commercial Planned Unit Development located on Old Hickory Boulevard -- deferred to December 9, 2004 at the request of the applicant. |
| 44. | Other Business | Contract for consulting services was withdrawn at the request of the applicant. |

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

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

- | | | | |
|-----|---------------|--|-----------|
| 3. | 2003Z-002T | Request to amend various sections of the Zoning Code Relative to encouraging adaptive reuse of commercial areas along arterials shown on the Major Street Plan | - Approve |
| 5. | 2004Z-133G-12 | Change from AR2a to MUL at 6815 and 6821 Nolensville Pike | - Approve |
| 8. | 2004Z-145U-13 | Change from CN to MUL at 2122 and 2130 Murfreesboro Pike | - Approve |
| 10. | 2004Z-147G-14 | Change from CL to CS on Elm Hill Pike | - Approve |

PLANNED UNIT DEVELOPMENTS

- | | | | |
|-----|---------------|--|-------------------------|
| 22. | 64-84-P-05 | Greenfield Plaza Kroger – Revise the preliminary plan and for final approval to permit the addition of 21,229 square foot existing grocery store | - Approve w/ conditions |
| 26. | 2003P-009U-08 | Parc at Metro Center – Request for final PUD approval for a phase to permit the development of 144 multi-family units in Phase I | - Approve w/ conditions |

MANDATORY REFERRALS

- | | | | |
|-----|---------------|--|-----------|
| 29. | 2004M-093U-13 | A Council Bill ordinance authorizing the Director of Public Property, or his designee, to accept and record an easement at the intersection of Richards Road and Antioch Pike | - Approve |
| 30. | 2004M-109U-08 | A Council Bill approving and authorizing the Director of the Public Property to execute a warranty deed and donation of a parcel property from Joy R. Karr | - Approve |
| 31. | 2004M-110U-13 | Request to name a 1600 foot private drive to “Nashboro Greens” | - Approve |
| 32. | 2004M-111G-12 | Aerial encroachment at Lenox Road | - Approve |
| 33. | 2004M-112U-10 | Easement acquisition for a sanitary sewer and water line easement abandonment along Abbott Martin Road and Crestmoor Road | - Approve |
| 34. | 2004M-113U-11 | Easement acquisition for a permanent drainage at 310 Newsome Street | - Approve |
| 35. | 2004M-114U-13 | Easement acquisition for a permanent drainage at 3211 Franklin Limestone | - Approve |
| 36. | 2004M-115G-02 | Easement acquisition for a permanent storm drainage at 3438 Dickerson Pike | - Approve |
| 37. | 2004M-116U-11 | Easement acquisition for permanent detention at 485 Allied Drive | - Approve |
| 38. | 2004M-117G-06 | Easement acquisition for a permanent drainage at 9770 Highway 96 | - Approve |
| 39. | 2004M-118U-07 | Easement acquisition for Richland Creek/ Charlotte Pike System Rehabilitation for permanent easements at 100 White Bridge Pike, Knob Road, 5401 Knob Road and 4601 Murphy Road | - Approve |
| 40. | 2004M-119U-11 | Aerial encroachment to permit a wall mounted at 415 Chestnut Street | - Approve |
| 41. | 2004M-120U-09 | Aerial encroachment to permit two wall-mounted 200 square foot signs over Deaderick Street and Charlotte Avenue | - Approve |

OTHER BUSINESS

42. Metropolitan Development Housing Agency redevelopment plans – Approve
43. Employee Contract Renewal for Brad Thompson – Approve
45. 2004Z-021T -- A council bill to amend Section 17.40.740 to provide for the waiver of application fees for certain zoning applications initiated by Members of the Council – Approve Staff Recommendations

Ms. Nielson moved and Mr. Tyler seconded the motion, which passed unanimously to approve the Consent Agenda. (9-0)

VII. PROPOSED AMENDMENT TO THE BELLEVUE COMMUNITY PLAN

Staff Recommendation - *Approve*

APPLICANT REQUEST - Change the land use policy from Residential Low-Medium Density (RLM) to Neighborhood Center (NC) for approximately 4.43 acres for property at 8400 Highway 100, along the north side of Highway 100 and the west side of Westhaven Drive.

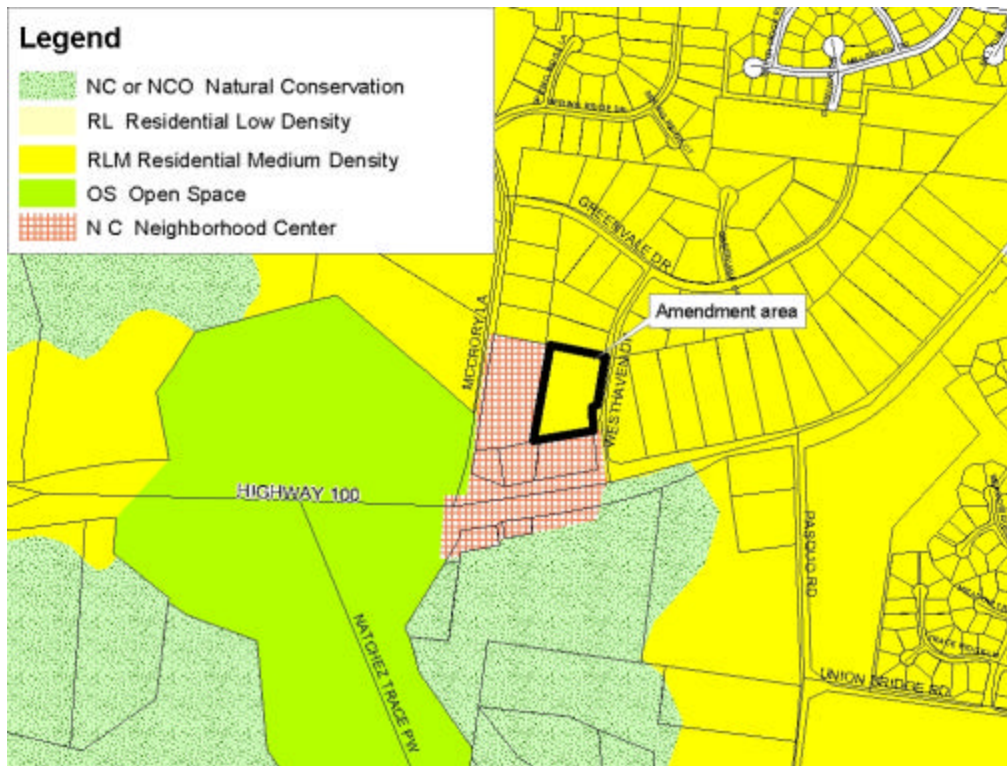
Existing Land Use Policy:

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

Proposed Land Use Policy:

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

ANALYSIS - This amendment proposal is for an expansion of the existing Neighborhood Center area to accommodate an expansion of the existing Loveless Café and Motel operation. Staff recommends approval of the amendment request because this is an appropriate location for a Neighborhood Center based upon the property's accessibility to adjacent neighborhoods and its centralized location. Expansion of the policy to the north will result in an even depth of Neighborhood Center policy. The expansion is not expected to have a negative impact on adjacent residential on Westhaven Drive because of the design controls in the PUD and the fact that there will be only one access point, onto Highway 100. In addition, this expansion is not a linear expansion of nonresidential use along Highway 100, and the Bellevue Community Plan emphasizes the protection of this scenic corridor.



As of this date, staff has received extremely limited public response to the proposal, with one person being in favor and one against.

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

Mr. Leeman presented Item #17 2004Z-153G-06 and #18 2004P-033G-06 and stated that staff is recommending approval with conditions.

Mr. Joe Fox all, 8348 Hwy 100, spoke in opposition to the proposal.

Mr. Seab Tuck, Tuck Hinton Architects, spoke in favor of the proposal.

Mr. Clifton spoke in favor of the proposal.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously to approve Item VII – Proposed Amendment to the Bellevue Community Plan, Zone Change 2004Z-153G-06 and to approve with conditions the Preliminary Planned Unit Development 2004P-033G-06. **(9-0)**

Resolution No. RS2004-395

“BE IT RESOLVED by The Metropolitan Planning Commission that the Proposed Amendment to the Bellevue Community Plan is **APPROVED. (9-0)**”

[Note: Items # VII, #17, #18 were discussed by the Metropolitan Planning Commission together. See item #18 for action and resolutions regarding 2004Z-153G-06, and 2004P-003G-06.]

**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON
PUBLIC HEARING
ZONING MAP AMENDMENTS**

PRELIMINARY SUBDIVISION PLATS

1. **2004S-104G-13**
The Preserve at Old Hickory, Phase II
Map164, Parcel part of 21
Subarea 13 (2003)
District 32 (Coleman)

A request for preliminary plat approval for 157 lots, located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (50.99), classified within the RS10 districts, requested by Taylor-Duncan Interests, Inc., owner, and MEC, Inc, engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary Plat

Subdivide 50.99 acres into 157 single-family lots with approximately 20 acres of open space, located approximately 900 feet north of Logistics Way.

ZONING

RS10 District - RS10 district allows single-family homes and requires a minimum lot size of 10,000 square feet. The maximum density for this project is 3.7 dwelling units per acre (174 lots); the proposed density is 3.09 (157 lots).

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

The plan proposes lots that range in size from 5,000 to 10,430 square feet.

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

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

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

This school site dedication is the responsibility of the remainder of the property rezoned by Belz and is not associated with this project.

Southeast Arterial - Another condition of the rezoning was that the applicant either dedicate or reserve right-of-way for the Southeast Arterial. This preliminary plat shows 120 feet of proposed right-of-way dedication for the Southeast Arterial located in Phase I.

PUBLIC WORKS RECOMMENDATION - All approvals for this preliminary plat are subject to Public Works' review and approval of construction plans, and shall fully comply with the requirements of the Metro subdivision

regulations. All proposed streets shall be designed in accordance with the current edition of the AASHTO “green book.”

1. Preserve Boulevard right-of-way south of roads L and K shall be abandoned when the Southeast Arterial is constructed.
2. Intersection of Preserve Boulevard with Roads K and L and the intersection of Road S and N do not appear to be aligned at ninety degrees. When construction plans are submitted, these intersections may be allowed to intersect at no less than 75 degrees if an obstacle prevents a standard alignment.
3. The center line of Road N does not appear to conform to AASHTO geometric design requirements for a 30 mph design speed.
4. Since Preserve Blvd. will not connect to Phase 1 (due to the southeast arterial), this segment of Preserve Blvd. should have a different name.
5. The proposed Ashford Trace shall be revised to intersect with the proposed southeast arterial at a 90-degree angle.

CONDITIONS

1. Comply with all Public Works comments.

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

Councilman Coleman spoke in favor of the development; however, requested that the Commission take the overcrowded schools and substandard roads into consideration while making their deliberations.

Mr. Bernhardt explained that this property does include a dedicated school site.

Mr. Tom White, attorney, spoke in favor of the proposal.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to approve staff recommendations on Preliminary Plat 2004S-104G-13. **(9-0)**

Resolution No. RS2004-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-104G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Preserve Boulevard right-of-way south of roads L and K shall be abandoned when the Southeast Arterial is constructed.
 2. Intersection of Preserve Boulevard with Roads K and L and the intersection of Road S and N do not appear to be aligned at ninety degrees. When construction plans are submitted, these intersections may be allowed to intersect at no less than 75 degrees if an obstacle prevents a standard alignment.
 3. The center line of Road N does not appear to conform to AASHTO geometric design requirements for a 30 mph design speed.
 4. Since Preserve Blvd. will not connect to Phase 1 (due to the southeast arterial), this segment of Preserve Blvd. should have a different name.
 5. The proposed Ashford Trace shall be revised to intersect with the proposed southeast arterial at a 90-degree angle.”
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MANDATORY REFERRALS

2. **2004M-092U-08**
Map 092-10, Parcels 033, 034, 140, 164
Subarea 8 (2002)
District 21 (Whitmore)

A request to close an unbuilt 200-foot portion of 31st Ave., North, between Delaware Ave. and Georgia Ave., requested by Hella Temple, property owner.

The Metropolitan Planning Commission DEFERRED Mandatory Referral 2004M-092U-08 to December 9, 2004 at the request of the applicant. (9-0)

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS

3. **2003Z-002T**

A request to amend various sections of Zoning Code relative to encouraging adaptive reuse of commercial areas along arterials shown on the Major Street Plan, requested by Metro Planning Department.

Staff Recommendation - *Approve – no exceptions taken*

APPLICANT REQUEST- Amend Zoning Code to permit residential uses in commercial areas along arterial and collector streets shown on the adopted Major Street Plan, known as the proposed Adaptive Reuse Ordinance (ARO).

ANALYSIS

Existing Law - Presently, Metro does not allow residential uses within commercial districts such as CS and CL or shopping center districts like SCN and SCC. A property owner wishing to develop residential must rezone the property to either a mixed-use district (MU) or to a multi-family zoning district (RM).

Proposed Text Change - To encourage the adaptive reuse of Metro's commercial areas, this Code amendment proposes to permit residential uses along the major arterials and collector streets in Davidson County. The amendment is intended to encourage the reuse of vacant and distressed properties, but developed properties also qualify. A property owner or developer could decide to reuse a portion of a building for residences or to demolish the existing structure and develop a new residential or mixed-use building. The ARO concept is to provide opportunity.

The amendment proposes to modify the Zoning Code by inserting a "PC" (permitted with conditions) under single-family, two-family, and multi-family uses for various zoning districts. As a "PC" use, certain standards must be complied with in order to construct residential uses in these zoning districts; see complete text of bill below.

Benefits - The ordinance is simple and straightforward. If approved, it encourages residential development where it makes the most sense. And it does so with a review process that's appropriate, and not unduly burdensome. By providing opportunities to reclaim, improve, and redevelop vacant, underutilized, or distressed properties, the amendment leverages private sector investment where Metro has existing public infrastructure (i.e. roads, sidewalks, public safety, libraries, and schools). Further, the amendment serves to relieve the pressure to place multi-family development in the interior of established neighborhoods.

Project Review - A developer wanting to use the provisions of the ARO would apply for a final site plan to be reviewed and approved by the Zoning Compliance division of the Codes Department. Any deviations from the Zoning Code provisions with regard to height, building setback, street setback, etc. would be reviewed as a special exception (SE) by the Board of Zoning Appeals (BZA). No variances would be required for these developments as the SE would account for all such code variations. As with all SE requests, a public hearing would be held by the BZA, and all neighborhood groups and property owners within 300 feet would be notified of the BZA meeting.

Proposed Text - See below.

Staff Recommendation - Approve. This text amendment provides opportunities to reinvest in Nashville, making commercial thoroughfares – the major entry points to the city – more viable and livable.

Proposed ARO Text

By amending Section 17.16.030 “Uses Permitted with Conditions: Residential Uses” by **inserting** as “E. Adaptive Residential Development”.

Adaptive Residential Development. A residential use shall be permitted provided it is located on a lot or within an existing building having the majority of its frontage on an arterial street or collector street, as shown on the adopted Major Street Plan, and subject to the following conditions:

Applicability. The provisions of this section shall apply to any residential use permitted with conditions in a non-residential zoning district, or at an applicant’s discretion, to any residential use permitted by right within a non-residential zoning district, where a minimum of 40% of the building is devoted to residential uses, and which complies with the locational criteria set forth in the immediate paragraph above.

Design Standards

All Residential Uses: Where a minimum of 40% of the building is devoted to residential uses, the standards of this title shall apply to any building or portion thereof converted to residential use, and any addition to an existing building for residential use, as explicitly shown on the approved final site plan under the authority of Section 17.40.170.A of this title, except as provided below for new construction.

Single-Family and Two-Family Residential Uses: Single-family and two-family uses shall be permitted only in an existing building or as part of a new mixed-use development within a single-structure.

Otherwise, all other requirements and standards established by other chapters of this title, as well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties shown on the final site plan. In case of conflict between the standards of this section and other chapters of this zoning code, the provisions of this section shall control, except for Council approved plans such as planned unit developments and urban design overlay districts.

Residential Floor Area. In all non-residential districts that permit with conditions a residential use, no density or floor area ratio applies to those portions of a non-residential building converted to a residential use or to new residential construction.

Building Orientation. In any new or existing building, a primary building entrance shall be oriented to the arterial street, to the extent feasible. On a corner lot, entrances shall be determined in consultation with the zoning administrator.

Driveway Access. For new construction, driveway access may be permitted on a non-arterial or non-collector street only if that street intersects the arterial or collector street within the same block.

Parking. Parking spaces shall be required for any residential, commercial and/or retail use in accordance with Chapter 17.20, except the provisions of Section 17.20.040.E. and F. shall apply to qualifying residential projects located outside of the urban zoning overlay district. In addition, no more than 1.5 spaces shall be required per a residential dwelling unit. Tandem residential parking may be no more than two cars in depth. If parking is provided in a new deck or structure, the ground-floor of the parking facility abutting a public street shall contain commercial or retail uses for 75% of the street frontage. The commercial or retail area shall have a minimum depth of 20 feet, a minimum height of 14 feet (floor to floor) for the first floor of the garage at street level, with each storefront having between 55%-85% glazed window area along the garage wall facing the public street.

Traffic Impact Study. No traffic impact study shall be required, except the traffic engineer may require a study for developments of 100 dwelling units or greater.

Landscaping. Notwithstanding Section 17.24.050.A, any single addition that increases the total building area by twenty-five percent or more of an existing building, in whole or in part, shall provide landscaping as required by this title. Where the number of parking spaces is increased by 25%, either through a parking lot expansion or the construction of a new parking lot, interior parking lot landscaping shall be required.

IWD and IR Districts. Only multi-family uses shall be permitted in these two industrial districts, and then, only in a structure where the historical commission has determined the structure is worthy of conservation, was constructed more than fifty years ago, and is being preserved with no additions, deletions, or alterations which would be inconsistent with the historic nature of the building or significantly alter the building's exterior appearance (i.e. blocking out windows with brick or other materials). In addition, the zoning administrator must find that the uses of property surrounding the non-residential structure are not detrimental to the health, safety, and welfare of prospective residents and that the project will not displace viable industrial uses.

Final Site Plan Approval. A final site plan application shall be submitted for review and approval in a manner consistent with the procedures of Section 17.40.170.A., and any supplemental information requested after review of the application. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with all applicable standards. The Zoning Administrator, upon advice of the appropriate metropolitan government agencies, shall grant final site plan approval based on findings that the design, proportions, and articulation of the proposed residential use are compatible with, and do not impact, the abutting or adjacent uses.

Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the Board of Zoning Appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this Title. The minimum filing fee shall be equal to a commercial application as per the adopted Board of Zoning Appeals fee schedule. In granting such approval of a special exception application, the Board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted General Plan. The Board shall not act on any application without first considering a recommendation from the planning department.

By amending Section 17.16.140 "Applicability" [Special Exception]: The land use development standards in this article apply to uses permitted by special exception, referenced as "SE" in the zoning district land use table, Section 17.08.030, or as otherwise provided in this Title...

By amending Section 17.24.050.A "Exceptions" by modifying the list of exceptions for landscaping, buffering, and tree replacement to include a non-residential building converted to residential use as follows: A. Improvements or repairs to interior and exterior features of existing structures, including the conversion of a non-residential building to residential use either in whole or in part, as provided in this title, or the removal or destruction of trees.

By amending Section 17.40.340 "Variances: Limits to Jurisdiction" by modifying the text as follows: The board shall not grant variances to the land use provisions of Section 17.08.030, the density or floor area ratio (FAR) standards of Tables 17.12.020B and 17.12.020C, nor the required size of residential lots approved by the planning commission under the authority of Section 17.12.070, (Lot averaging), Section 17.12.080, (Cluster lot option) or Section 17.36.070C (PUD), or residential development permitted by Section 17.16.030.E. Further, the board shall not act on a variance application within a planned unit development (PUD), urban design overlay or institutional overlay district without first considering a recommendation from the planning commission.

Approved (9-0) *Consent Agenda*

Resolution No. RS2004-397

"BE IT RESOLVED by The Metropolitan Planning Commission that 2003Z-002T is **APPROVED. (9-0)**"

4. **2004Z-118U-12**
Map 147-7, Parcel 84,85, 236
Subarea 12 (2004)
District 27 (Foster)

A request to change from R6 to RM15 district at J.J. Watson Avenue (unnumbered), west of Nolensville Pike, (4.57 acres), requested by Nader Karshenas, applicant for Franklin Realty and Mortgage, Inc., owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-118U-12 to December 9, 2004 at the request of the applicant. (9-0)

5. **2004Z-133G-12**
Map181, Parcel Portion of 10, Portion of 196
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to MUL district on property at 6815 and 6821 Nolensville Pike, on the south side of Concord Road (4.48 acres), requested by Gresham, Smith and Partners, applicant, Edmondson Chapel Missionary Baptist Church, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 4.48 acres from agricultural/residential (AR2a) to mixed use limited (MUL) district at 6815 and 6821 Nolensville Pike, on the south side of Concord Road.

Existing Zoning

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

Proposed Zoning

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

SOUTHEAST COMMUNITY PLAN POLICY

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area is intended for emerging and undeveloped areas that are planned to be future centers serving multiple neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan is to be submitted to assure design objectives and type of development conforms with the intent of this policy.

Policy Conflict - The proposed MUL district is consistent with the Southeast Community Plan's CC policy in this area. A site plan was submitted that appears to be consistent with the approved development/zoning pattern in the area. Property to the west was recently approved by the Commission for CL with no site plan since it was prior to the site plan requirement under the new CC Land Use Policy. A portion of property to the northwest was recently rezoned to SCC (Legg Development PUD).

The CC Policy calls for development with a main street character with parking to the rear and side in this area. It also calls for pedestrian linkages and opportunities for non-auto oriented development. Since the other three corners are either developed or proposed to be developed in a more suburban manner, it may be appropriate for this site to develop in this manner, but with more emphasis on the pedestrian linkages to the surrounding neighborhoods. The site plan submitted shows a double-loaded parking area in the front and access from the Southeast Corridor, which may be a limited access highway at this location. The plan also proposes pedestrian linkages to the other

commercial development in this area and proposes a greenway along Mill Creek. Retail uses totaling 21,000 square feet are proposed for this development with a pedestrian “plaza” area between the two buildings. Since many elements of the policy are included on the site plan, staff recommends approval.

The floodway and floodplain areas are to comply with Section 17.28.040 of the Zoning Ordinance.

RECENT REZONINGS - Parcel 049 across from this site was rezoned from AR2a to SCC, RM9 and R15 by Council on July 2004. The Planning Commission recommended approval May 2004. The Planning Commission also recommended approval on a portion of parcel 7 from AR2a to CL.

TRAFFIC

METRO PUBLIC WORKS’ RECOMMENDATION - A TIS is required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.48	0.5	1	10	1	2

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Convenience Market (853)	4.48	0.088	6,133	5187	280	372

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			5177	279	370

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached ()	4.48	0.5	1	10	1	2

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Convenience Market ()	4.48	0.2*	13,939	11,787	636	845

* adjusted to reflect an actual maximum.

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

--	--			11,777	635	843
----	----	--	--	--------	-----	-----

*acreage adjusted to reflect an actual maximum.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-398

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-133G-12 is **APPROVED. (9-0)**

The proposed MUL district is consistent with the Southeast Community Plan’s Community Center (CC) policy intended for predominantly commercial areas at the edge of a neighborhood. A site plan was also submitted that incorporates many of the design principles of the CC policy.”

6. **2004Z-135U-09**
 Map 82-13, Parcel 33
 Subarea 9 (1997)
 District 19 (Wallace)

A request to change from RS3.75 to RM15 district at 1021 9th Avenue North, south side of Phillips Street, (0.2 acres), requested by Artmas L. Worthy, applicant/owner, Elmer Freeman, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST- Rezone 0.20 acres from Residential Single-Family (RS3.75) to Residential Multi-family (RM15) property at 1021 9th Avenue North, on the south side of Phillips Street.

Existing Zoning

RS3.75 - RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre. The current zoning would allow 2 homes on this property

Proposed Zoning

RM15 - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The proposed zoning would allow 3 homes on this property.

HOPE GARDENS NEIGHBORHOOD PLAN POLICY

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

Policy Conflict -Yes. The proposed RM15 district allows a higher density than what is called for by the RM policy in the area. The Hope Gardens Neighborhood Plan applied the RM policy in an effort to conserve the existing character of the neighborhood. This property is located on the edge of RM policy area and is abutting MU, or Mixed Use policy on the opposite side of 9th Avenue, North. The MU area of 9th Avenue North has been developed as the Row 8.9 townhouses.

This area is also part of the MDHA Phillips Jackson Redevelopment District. That plan calls for primarily single family homes on small lots in this area

Directly across Philips Street from the subject property is a half block of RM20 zoning. Across 9th Avenue North are properties zoned OR20, RM20 and MUL.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

Typical Uses in Existing Zoning District: RS3.75

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.20	9.89	2	20	2	3

Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.20	15	3	29	3	4

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				9	1	1

METRO SCHOOL BOARD REPORT

Projected student generation <1_Elementary <1_Middle <1_High

Schools Over/Under Capacity - Students would attend Eakin / Cavert Elementary School, West End Middle School, and Hillsboro High School. Eakin / Cavert Elementary School has been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

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

Mr. Bernhardt offered that staff has been in contact with MDHA regarding the consistencies with their redevelopment plan, and this proposal is not consistent with the plan and MDHA is not recommending its approval.

Ms. Terry Givens, 911 Jackson Street , spoke in opposition to the proposal.

Dr. Artmas Worthy, owner, made a brief presentation of his proposal to the Commission. He also presented a petition with 20 signatures of approval. He requested that the Commission approve his proposal.

Councilman Ludy N. Wallace spoke in favor of the proposal. He stated he was unaware of the opposition expressed by residents. He stated that this proposal is worthy of discussion by the Commission and encouraged meetings to take place between the developer and the neighborhood organizations.

Councilman Coleman spoke in support of the proposal. He stated that the proposal is compatible with the existing neighborhood.

Mr. Mike Owens, Hope Gardens Neighborhood Association, spoke in opposition to the proposal.

Mr. Charles Doggett, Vice President of Hope Gardens Neighborhood Association, spoke in opposition to the proposal.

Mr. Tyler spoke in favor of staff recommendation to disapprove. He mentioned the land uses currently slated for this area support the requests of the residents.

Ms. Cummings also spoke of the requests of the residents. She stated that the residents were looking for home ownership to revitalize their neighborhood. She spoke in favor of staff's recommendation to disapprove.

Mr. Clifton stated that the subarea plan supports the requests of the neighborhood and MDHA and he spoke in favor of supporting staff's recommendation to disapprove.

Mr. McLean recused himself from the discussion.

Ms. Nielson acknowledged the effort put forth in the Hope Gardens area and spoke in support of staff's recommendation to disapprove.

Mr. Small spoke in favor of supporting staff recommendation.

Mr. Loring spoke in support of the proposed development. He felt that the property is in conformance with the neighborhood.

Ms. Nielson moved and Mr. Clifton seconded the motion, to adopt staff's recommendation to disapprove Zone Change 2004Z-135U-09. **(7 -1-1) No Vote – Loring, Abstain Vote – McLean**

Resolution No. RS2004-399

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-135U-09 is **DISAPPROVED. (7-1-1)**

The proposed RM15 district is not consistent with the Subarea 9 Plan, including the Hope Gardens Neighborhood Plan's Residential Medium (RM) policy intended for residential development at a density of four to nine dwelling units per acre. The RM15 district exceeds the density range of the RM policy. It is also not consistent with the MDHA Phillips Jackson Redevelopment District which calls for primarily single-family homes on small lots.”

-
7. **2004Z-140U-10**
Map 132-01, Parcel 31
Subarea 10 (1994)
District 25 (Shulman)

A request to change from R20 to RS10 district at 4115 Lealand Lane, approximately 400 feet south of Greerland Drive, (1.76 acres), requested by Scott Morgan, applicant/owner, James Halloran, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-140U-10 to December 9, 2004 at the request of the applicant. (9-0)

-
8. **2004Z-145U-13**
Map 135, Parcel 239.02 (6.57 Ac)
Map 135, Parcel 24 (.89 Ac)
Subarea 13 (2003)
District 29 (Wilhoite)

A request to change from CN to MUL district properties located at 2122 and 2130 Murfreesboro Pike, (7.46 acres), requested by Mitchell Whitson & Rusty Rust, applicants, Juanita & James Sloan, MUR-CI Home for Retarded, David & Laura Bishop, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 7.46 acres from commercial neighborhood (CN) to mixed use limited (MUL), at 2122 and 2130 Murfreesboro Pike, south of Franklin Limestone Rd.

Existing Zoning

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

Proposed Zoning

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

ANTIOCH - PRIEST LAKE COMMUNITY PLAN POLICY

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

Policy Conflict - No. The proposed MUL rezoning is consistent with Antioch-Priest Lake Community Plan's Mixed Use (MU) policy intended for residential, commercial, office, and other community uses. It is also consistent with the zoning pattern in the area.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS RECOMMENDATION - A TIS may be required for development.

Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
SPECIALTY RETAIL CENTER (814)	9.48	0.122	50,379	2193	NA	143

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
SPECIALTY RETAIL CENTER (814)	9.48	0.240	99,107	4278	NA	260

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			2085		117

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 3.09 acres from residential (R8) to residential multi-family (RM9 and RM20) districts at Cliff Drive (unnumbered) (1.54 acres) and 2113 Cliff Drive (1.55 acres).

Existing Zoning

R8 district - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots. This R8 district allows approximately 17 dwelling units currently.

Proposed Zoning

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 district would allow for approximately 14 dwelling units.

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The RM20 district would allow for approximately 31 units.

BORDEAUX-WHITES CREEK COMMUNITY PLAN POLICY - Bordeaux Village South DNDP

Mixed Housing in Neighborhood General (MH in NG) - MH includes various housing types that vary based on lot size and building placement. NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. Residential development other than single family is appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.

Policy Conflict - No. The proposed zoning districts (RM9 and RM20) are consistent with the Bordeaux Village South Detailed Neighborhood Design Plan's MH in NG policy calling for various types of residential development with the submittal of a site plan, Planned Unit Development, or Urban Design Overlay. A site plan was submitted that proposes two to three story stacked flats on the parcel requested for RM20 and two to three story townhomes for the parcel requested for RM9. The site plan is consistent with the policy and would provide a transition from the single-family homes to the north and the commercial to the south along Clarksville Pike.

RECENT REZONINGS - Parcels 69 and 70 were rezoned from R8 to RM40 in August 2001. The Planning Commission recommended approval on June 2001.

TRAFFIC - No Exception Taken.

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	3.09	4.63	14	134	11	15

Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. condo/townhome (230)	1.55	9	14	3	7	8

Typical Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. condo/townhome (230)	1.54	20	31	238	21	24

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				187	17	17

METRO SCHOOL BOARD REPORT

Projected student generation (RM9) 2 Elementary 2 Middle 1 High

Schools Over/Under Capacity - Students would attend Bordeaux Elementary School, Ewing Park Middle School, or Whites Creek High School. Ewing Park has been identified as being overcrowded by the Metro School Board. There is not capacity at another middle school within the cluster. This information is based upon data from the school board last updated August 31, 2004.

Projected student generation (RM20) 5 Elementary 4 Middle 3 High

Schools Over/Under Capacity - Students would attend Bordeaux Elementary School, Ewing Park Middle School, or Whites Creek High School. Ewing Park has been identified as being overcrowded by the Metro School Board. There is not capacity at another middle school within the cluster. This information is based upon data from the school board last updated August 31, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$52,000 for additional school capacity in this cluster. This estimate is based on maintaining current school zone boundaries.

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

Mr. Phil Corbitt, 2113 Cliff Drive, spoke in favor of the proposal.

Ms. Rolanda Amos, 2124 Cliff Drive, spoke in favor of the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve Zone Change 2004Z-146U-03. **(9-0)**

Resolution No. RS2004-401

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-146U-03 is **APPROVED. (9-0)**

The proposed RM9 and RM20 districts are consistent with the Subarea 3 Plan, including the Bordeaux Village South Detailed Neighborhood Design Plan’s Mixed Housing in Neighborhood General policy intended for various housing types that vary on lot size and building placement. A site plan was submitted that proposes two to three story flats on parcel 86 and two to three story townhomes on parcel 87. The site plan is consistent with the policy and would serve as a transition from the commercial area to the south along Clarksville Pike and single-family homes to the north.”

10.

2004Z-147G-14

Map 095-15, Parcel 39 (.8 Ac)

Subarea 14 (2004)

District 15 (Loring)

A request to change from CL to CS district property located on Elm Hill Pike (unnumbered), east of Ermac Drive (.82 acres), requested by Bobby W. and Rebecca P. Howard, applicant/owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 0.82 acres from commercial limited (CL) to commercial service (CS) district at Elm Hill Pike (unnumbered).

Existing Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Proposed Zoning

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

DONELSON-HERMITAGE COMMUNITY PLAN POLICY

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. The predominant uses in OC policy are offices. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use.

Policy Conflict - The proposed CS district is consistent with the commercial zoning pattern in the area. The OC policy allows some commercial uses that cater to the larger office developments in the area. Any future development of the property shall comply with the floodplain guidelines in Section 17.28.040 of the Zoning Ordinance.

RECENT REZONINGS - The adjacent parcel (034) was rezoned from RM20 to CL in May 2004, by the Metro Council. The Planning Commission recommended approval on February 26, 2004.

TRAFFIC - No exception taken.

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.82	0.172	6,144	156	10	10

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.82	0.198	7,072	175	11	11

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			19	1	1

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	0.82	0.172*	6,144	4535	416	322

*adjusted as per typical size of use.

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.82	0.60	21,431	408	55	103

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			-4127	-361	-219

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-402

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-147G-14 is **APPROVED (9-0)**

The proposed CS district is consistent with the commercial zoning pattern along Elm Hill Pike. The Donelson-Hermitage Community Plan’s Office Concentration (OC) policy allows for some commercial uses that cater to the larger office developments in the area.”

- 11.** **2004Z-149G-02**
 Map 051, Parcel 3
 Subarea 2 (1995)
 District 4 (Craddock)

A request to change from RS20 to RM4 district property located at 1501 Chadwell Drive (9.8 acres), requested by James Dillard of Dillard Holdings, applicant, for Mary C. Browder, owner. (See Planned Unit Development 2004P-032G-02)

Staff Recommendation - Disapprove

APPLICANT REQUEST- Rezone 9.8 acres from residential single-family (RS20) to residential multi-family (RM4), at 1501 Chadwell Drive, west of Interstate 65.

Existing Zoning

RS20 district - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

Proposed Zoning

RM4 district - RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

PARKWOOD / UNION HILL COMMUNITY PLAN POLICY

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

Policy Conflict - Yes. The proposed RM4 district is not consistent with the RL policy intended for residential development within a density range of one to two dwelling units per acre. The RM4 exceeds the density range of the RL policy allowing for four dwelling units per acre. While there is an adjacent parcel to the south that is zoned RM15, to allow another rezoning to residential multifamily in this area would be out of character with the predominantly single-family development pattern along Chadwell Drive.

RECENT REZONINGS - Parcel 015, which abuts this property to the south, was rezoned from RS10 to RM15 in March 2000, by the Metro Council. The Planning Commission recommended approval in January 2000.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Typical Uses in Existing Zoning District: RS20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	9.8	1.85	18	215	23	23

Typical Uses in Proposed Zoning District: RM4 with PUD

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	9.8	4	39*	288	26	28

* Units proposed in PUD

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				73	3	5

METRO SCHOOL BOARD REPORT

Projected student generation 10 Elementary 6 Middle 4 High

Schools over/under Capacity - Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. No schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

Councilman Craddock spoke in support of the proposal. He mentioned that there have been several community meetings between himself, the developer and community members. He stated the development would not impact area schools due to his requirement that the PUD support only Senior Living, ages 55 and older. He stated that it was the consensus of the neighborhood to support this proposal.

Mr. Loring spoke in support of the proposal. He acknowledged the support of the neighborhood and stated it was a good plan and would move to approve.

Mr. McLean mentioned he would second the motion after the Commission's discussion.

Ms. Jones mentioned the location of the property and its usefulness for single-family homes. She also spoke of the special conditions that would be included in the proposal.

Mr. Small stated that the project looked good but stated that the current land use policy does not support the proposal.

Ms. Nielson requested additional information regarding the Commission's role in supporting the condition of the PUD specifications.

Mr. McLean acknowledged that the Councilman was in support of the proposal and that approval would be sought at the Council level. He suggested that the motion include the PUD requirement that all the buildings be made of brick.

Mr. Loring accepted the amendment to include the condition that the buildings be made of brick.

Mr. Clifton expressed concerns with the project being adverse to the subarea plan and the necessity of amending the plan. He acknowledged that the PUD requirement to restrict the usage to senior living would have to take place through a restrictive covenant. He requested Metro's legal view on enforcing restrictive covenants.

Ms. Holleman stated that the Commission and Metro Legal can not enforce the covenant. It is strictly a private enforcement. She stated that if the developer did not abide to the rules of the covenant, then the community (a neighborhood association) would have to bring suit to the developer.

Mr. Clifton summarized and stated that it is a good development, but he may vote against it due to staff's recommendation.

Ms. Cummings expressed concerns that the proposal was not in conformance with the subarea plan. She did however, acknowledge that the plan was a good one and the location could accommodate the nature of the proposal.

Mr. Tyler requested further clarification on staff's recommendation.

Ms. Harris explained the conditions that staff would recommend if the Commission were to approve the proposal.

The Commission briefly discussed their options regarding their motion.

Mr. Lawson suggested that the motion be amended to include that staff work with the developer regarding the PUD to include street flow, and the other conditions discussed by the Commission.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously to approve Zone Change 2004Z-149G-02, and Preliminary Planned Unit Development 2004P-032G-02, subject to staff's additional recommendations and directing staff to work with the applicant on the PUD to satisfy the necessary street changes and that the buildings consist of brick. **(9-0)**

Resolution No. RS2004-403

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-149G-02 is **APPROVED. (9-0)**

The Subarea 2 plan’s Residential Low policy is intended for residential development at 1 to 2 dwelling units per acres, however, the proposed RM4 district is consistent with the surrounding development in the area. The property is bounded by Interstate 65 on the eastern boundary, an elementary school on the northern boundary, and RM15 district on the southern boundary.”

Resolution No. RS2004-404

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-032G-02 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Traffic recommends that adequate sight distance be provided as per AASHTO, and that the streets be private.
2. If approved, revised plans are to be submitted with sidewalks labeled and Public Works recommendations addressed.
3. Also if rezoned, one private drive needs a turn around to allow for emergency vehicles.”

The Commission recessed at 5:30 p.m.

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

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

The Commission resumed at 5:50 p.m.

Mr. Lawson announced that the Commission has received a request to defer Item #27 – 2004P-029U-11 to January 13, 2005.

Mr. Small moved and Mr. Clifton seconded the motion, which passed unanimously to defer Preliminary Planned Unit Development to January 13, 2005. **(7-0)**

- 13.** **2004Z-151U-05**
Map 093-03, Parcel132
Subarea 5 (1994)
District 6 (Jameson)

A request to change from RM20 to MUL district property located at S. 5th Street (unnumbered) and within the Urban Zoning Overlay district (1.01 acres), requested by Paul W. Lockwood of Barge, Waggoner, Sumner & Cannon, applicant, for Larry J. Burge, owner. (See Planned Unit Development 2004P-031U-05)

Staff Recommendation - Disapprove

APPLICANT REQUEST-Rezone 1.01 acres from residential multi-family (RM20) to mixed use limited (MUL) district at S. 5th Street (unnumbered).

Existing Zoning

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Proposed Zoning

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

SUBAREA 5 PLAN POLICY

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

Policy Conflict - . The proposed MUL district is not consistent with the Subarea 5 Plan’s RMH policy in this area intended for higher density residential development. The accompanying PUD plan (2004P-031U-05) proposes a parking area with 108 spaces. The MUL district allows for retail and office uses, while the policy calls for residential uses.

RECENT REZONINGS - None.

TRAFFIC -No Exception Taken.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Units per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. condo/townhome (230)	1.01	20	20	164	15	17

Typical Uses in Proposed Zoning District: MUL with PUD

Land Use (ITE Code)	Acres	FAR	Total Parking Spaces	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Parking Lot ()	1.01		108 spaces	NA		

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--						

[Note: Items #13 & #14 were discussed by The Metropolitan Planning Commission together. Please see Item #14 for actions and resolutions.]

- 14. 2004P-031U-05**
 South 5th Street/Shelby Ave PUD
 Map 93-03, Parcel 132
 Subarea 5 (1994)
 District 6 (Jameson)

A request for preliminary approval for a Planned Unit Development district located at South 5th Street (unnumbered), along the north side of Shelby Avenue, classified RM20, (1.01 acres), to permit 108 parking spaces, requested by Barge Waggoner Sumner and Cannon, for Larry Burge, owner. (See Zone Change 2004Z-151U-05)

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary PUD

Request to adopt a new Preliminary PUD to permit a 108 space parking area on 1.01 acres, on property located at South 5th Street (unnumbered), along the north side of Shelby Avenue.

ZONING & LAND USE POLICY

RM20 to MUL - This request for preliminary PUD approval is associated with a zone change request (2004Z-151U-05).

Subarea 5 Plan

RMH policy - Residential Medium High policy is intended for residential development within a density range of nine to twenty dwelling units per acre.

PLAN DETAILS

Site Design - The plan proposes a 108 space parking area using a grass parking surface. Section 17.20.060 requires that permanent parking areas containing over 5 spaces shall be surfaced with asphalt or concrete.

Billboards - The existing billboard should be removed based on Section 17.30.150A, which states that “billboards are prohibited on any property within a planned unit development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the metropolitan council.”

Access-Access to the parking area is proposed from South 5th Street.

Water Quality Concept - The water quality concept is not shown on the plan and the Stormwater Division of Metro Water Services has requested that it be shown. The detention should also be addressed on the final plan.

STAFF RECOMMENDATION- Staff recommends disapproval of the PUD. The zoning district requested, MUL, and the development plan, are not consistent with the intent of the RMH policy calling for residential uses.

Ms. Harris presented and stated that staff is recommending disapproval of Zone Change 2004Z-151U-05 and the Planned Unit Development 2004P-031U-05.

Mr. Bill Lockwood, Barger Waggoner, Sumner and Cannon, spoke in support of the proposal.

Cindy Holt, 1602 Eastland Avenue, spoke in opposition to the proposal.

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously to disapprove Preliminary Planned Unit Development 2004P-031U-05. **(7-0)**

Resolution No. RS2004-405

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-151U-05 **DISAPPROVED. (9-0)**

The proposed MUL district is not consistent with the Subarea 5 Plan’s Residential Medium High (RMH) policy intended for residential development at a density of nine to twenty dwelling units per acre. The MUL district would allow for retail and office uses, while the policy calls for residential uses.”

Resolution No. RS2004-406

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-031U-05 is **DISAPPROVED. (9-0)**”

15.

2004Z-152G-12

Map 186, Parcel part of 15
Map186, Parcel part of 21
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to RS10 (79.30 acres), R8 (21.32 acres), and RM9 (11.08 acres) districts property located at Burkitt Road (unnumbered), east of Nolensville Pike (111.70 acres total), requested by Kevin Gangaware of Civil Site Design Group, applicant, for Ramsey McMurray, James N. McFarlin, William T. McFarlin, et al., owners. (See Planned Unit Development 2004P-035G-12)

Staff Recommendation - *Approve with conditions*, including a school site dedication

APPLICANT REQUEST - Rezone 111.70 acres from agricultural/residential (AR2a) to residential multi-family (RM9) for 11.08 acres, residential single-family and duplex (R8) for 21.32 acres, and residential single-family (RS10) for 79.30 acres property at Burkitt Road (unnumbered) and 7011 Burkitt Road, east of Nolensville Pike.

Existing Zoning

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

Proposed Zoning

RM9 district (11.08 acres) - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

R8 district (21.32 acres) - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

RS10 district (79.30 acres) - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

SOUTHEAST COMMUNITY PLAN POLICY

Neighborhood General (NG) - NG policy calls for a variety of housing types that are carefully arranged, not randomly located. Regardless of location, the mix of density is the key to the success of a NG area. Too much of one type of residential development could be detrimental to the neighborhood.

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

Policy Conflict - No. The mixture of housing that can be provided across the proposed RM9, R8, and RS10 zoning districts is consistent with NG policy. The only other requirement of the updated plan was that the average density of each of the planned NG neighborhoods was not to exceed nine housing units per acre. These zoning districts fulfill this.

In addition to the consistency with NG policy, the adjacent area to the west along Nolensville Pike has a Neighborhood Center policy, as also adopted in the July 2004 plan update. The mixture of housing that can be provided across RM9, R8, and RS10 zoning districts is consistent with the adjacent NC land use policy, providing a residential density that appropriately lessens as distance from Nolensville Pike increases, moving towards a less-densely developed NG, and then RLM policy.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS RECOMMENDATION - A TIS was required and has been submitted for review. Public Works is reviewing the TIS and all traffic mitigations must be made part of the Council Bill prior to 3rd Reading at Council.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	112.54	0.5	56	610	49	64

Typical Uses in Proposed Zoning District: RM9 with PUD

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	13.33	9	103*	659	53	62

* Units proposed in PUD

Typical Uses in Proposed Zoning District: RS10 and R8 with PUD

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family attached and detached (210)	99.21	3.7 and 4.63	341*	3214	249	324

* Units proposed in PUD. 341 includes 51 duplex lots and 239 single-family lots

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				3263	253	322

METRO SCHOOL BOARD REPORT

Projected student generation 60 Elementary 50 Middle 42 High

Schools Over/Under Capacity - Students would attend Maxwell Elementary School, and Antioch High School. Maxwell Elementary and Antioch High School have been identified as being over capacity by the Metro School Board. There is no middle school within the Antioch cluster.

With the addition of Thomas Edison Elementary, there is capacity in the cluster for elementary school students.

There is not capacity at the high school within the cluster, but in an adjacent cluster (McGavock) there is capacity for high school students. The fiscal liability for accommodating the new middle students is \$650,000. This information is based upon data from the school board last updated January 16, 2004.

Planned School Capital Improvements - Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board's proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.

School site dedication - Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site will be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement.

[Note: Items #15 & #16 were discussed by The Metropolitan Planning Commission together. Please see Item #16 for actions and resolutions.]

16. 2004P-035G-12
Burkitt Place
Map 186, Parcel 15
Map 186, Parcel 21
Subarea 12 (2004)
District 31 (Toler)

A request for preliminary approval for a Planned Unit Development district located on the south margin of Burkitt Road, approximately 1000 feet, classified AR2a and proposed for RM9, R8 and RS10, (111.70 acres), to permit 98 townhouse units, 52 duplex lots (104 units) and 243 single-family lots, requested by various owner, and Civil Site Design Group, applicant. (See Zone Change No. 2004Z-152G-12)

Staff Recommendation - *Approve with Conditions*

APPLICANT REQUEST - Preliminary PUD

Request to adopt a new Preliminary Planned Unit Development to allow for the development of 98 townhomes, 52 duplex lots (104 units), and 243 single-family lots for 445 total units on 111.70 acres, located along the south side of Burkitt Road, east of Nolensville Pike.

PLAN DETAILS

Site Design: The proposed plan includes a variety of housing types, including 243 single-family lots, 98 townhomes, and 52 duplex lots. The proposed plan falls within the Southeast Community Plan's Neighborhood General (NG) Policy calling for a variety of housing types that are carefully arranged, not randomly located. The proposed plan meets the intent of this policy by arranging the higher density townhomes (9 units per acre zoning) adjacent to the Neighborhood Center policy area to the west. NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. It also provides a transition from the townhomes to the single-family homes by locating the duplex units in between the higher density and the lower density housing types.

Access & Connectivity: The proposed PUD plan includes five stub-streets to surrounding property where future development may connect. It also provides one access point onto Burkitt Road and one access point onto Nolensville Pike through Williamson County. There are approximately 100 lots that are either in Williamson County or touch the Davidson/Williamson County line. The lots that touch the line are counted in the overall totals for this PUD. The lots that are completely within Williamson County are not counted as part of the PUD request in Davidson County.

Consistent with the Southeast Community plan policy, there is a north south connector street proposed within the PUD that will eventually provide an alternative north/south connection between this site, Burkitt Road, and the area north of Burkitt Road.

Road "U", which stubs-out to the west, will eventually provide a connection through the Neighborhood Center area located along Nolensville Road. This road will help to provide a pedestrian connection, as well as, a vehicular connection to this area.

The PUD plan also proposes a pedestrian trail through an open space area along the north side of the site at Burkitt Road. This area is intended to provide a visual transition from the existing large lots on the north side of Burkitt Road and the higher density development within this PUD.

Staff Recommendation - Staff recommends approval since the proposed zone change and PUD is consistent with the Southeast Community Plan's NG and RLM policies in that it provides a mixture of housing types with an appropriate transition and location of the different densities within the plan.

TRAFFIC PUBLIC WORKS RECOMMENDATION - A TIS was required and has been submitted for review. Public Works is reviewing the TIS and all traffic mitigations must be made part of the Council Bill prior to 3rd Reading at Council.

Burkitt PUD TIS CONDITIONS

Conditions are as follows:

1. 1.The developer shall construct a westbound left turn lane with 125 ft of storage and transition per AASHTO standards on Burkitt Rd at the project access.
2. The developer shall construct a southbound left turn lane with 200 ft of storage and transition per AASHTO standards on Nolensville Rd at Burkitt Rd.
3. The developer shall construct both project access roads at phase 1.The access road in Davidson County off of Burkit shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 200 ft of storage and transitions per AASHTO standards.
4. Provide adequate sight distance at Burkit /project access intersection
5. The one -way Round-a-bouts shall be designed with splitter islands and a smooth radius to accommodate adequate truck turning movements.
6. The developer shall construct a right turn lane with 160 ft of storage with transition per AASHTO standards on Burkitt Rd at Nolensville Rd.
7. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Pettus Road at Nolensville RD.
8. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access.
9. Dedicate/ Reserve 1/2 ROW for U4 (84'/2)cross- section along Burkitt Rd frontage plus ROW for right turn lane. Burkitt is identified as having 2 10 ft travel lanes. The developer shall reconstruct Burkitt Road from the Project access road to Nolensville Road with 12 ft wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Rd at project access road and at Nolensville Rd.
10. 10.Provide vehicular cross access to adjacent property along Nolensville Rd.
11. The developer shall conduct traffic counts at Burkitt Rd and Nolensville Rd and submit warrant analysis to Metro Traffic engineer for signal approval at 50%, 75% and 100% issuance of building permits in

Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.

12. A phasing plan for transportation improvements shall be prepared by the developer for review and approval by the Metro Traffic Engineer with the Final PUD plan.

CONDITIONS (IF APPROVED):

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 division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. This preliminary plan approval for the residential portion of the master plans 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.
6. A TIS was required and has been submitted for review. Public Works is reviewing the TIS and all traffic mitigations must be made part of the Council Bill prior to 3rd Reading at Council.
7. The developer shall construct a westbound left turn lane with 125 ft of storage and transition per AASHTO standards on Burkitt Rd at the project access.
8. The developer shall construct a southbound left turn lane with 200 ft of storage and transition per AASHTO standards on Nolensville Rd at Burkitt Rd.
9. The developer shall construct both project access roads at phase 1. The access road in Davidson County off of Burkitt shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 200 ft of storage and transitions per AASHTO standards.
10. Provide adequate sight distance at Burkitt /project access intersection.
11. The one -way Round-a-bouts shall be designed with splitter islands and a smooth radius to accommodate adequate truck turning movements.
12. The developer shall construct a right turn lane with 160 ft of storage with transition per AASHTO standards on Burkitt Rd at Nolensville Rd.
13. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Pettus Road at Nolensville RD.
14. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access.

15. Dedicate/ Reserve 1/2 ROW for U4 (84'/2)cross- section along Burkitt Rd frontage plus ROW for right turn lane. Burkitt is identified as having 2 10 ft travel lanes. The developer shall reconstruct Burkitt Road from the Project access road to Nolensville Road with 12 ft wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Rd at project access road and at Nolensville Rd.
16. Provide vehicular cross access to adjacent property along Nolensville Rd.
17. The developer shall conduct traffic counts at Burkitt Rd and Nolensville Rd and submit warrant analysis to Metro Traffic engineer for signal approval at 50%, 75% and 100% issuance of building permits in Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.
18. A phasing plan for transportation improvements shall be prepared by the developer for review and approval by the Metro Traffic Engineer with the Final PUD plan.

Mr. Leeman presented and stated that staff is recommending approval with conditions, including a school site dedication (if so required by the Board of Education) on Zone Change 2004Z-152G-12 as well as approval with conditions on the Planned Unit Development 2004P-035G-12 to include the conditions placed on the proposal by the Public Works Department.

Mr. George, Tullos, 6994 Burkitt Road, spoke in opposition to the proposal.

Ms. Mary Tullos, 6994 Burkitt Road, spoke in opposition to the proposal.

Ms. Tessa Talley, 6991 Burkitt Road, spoke in opposition to the proposal.

Mr. Kevin Gangaware, Civil Site Design Group, spoke in favor of the proposal.

Councilman Toler stated that he would be holding additional neighborhood meetings to discuss this project with the residents who would be affected.

Mr. Small requested further clarification on the land use policy of the area.

Mr. Bernhardt explained the current land uses for the area.

Mr. Small spoke in favor of the development.

Ms. Jones spoke in favor of the development. She stated that the project will enhance the subarea plan.

Mr. Loring stated that the plan was a good one and that the Councilman for this proposal will hold the necessary meetings with the residents to work out their issues.

Mr. McLean requested clarification regarding the project's connectivity with Williamson County.

Mr. Leeman stated that the developer is currently working with Williamson County to obtain approval and if approval is not granted, the project would have to be amended.

Mr. Clifton acknowledged the density of the project and the concerns of the residents. He stated that the proposal is in conformance with the subarea plan. He is comfortable with the fact that there will be additional neighborhood meetings held and he would be in support of the proposal.

Mr. Small moved and Ms. Jones seconded the motion, which passed unanimously, to approve staff recommendations on Zone Change 2004Z-152G-12, and Preliminary Planned Unit Development 2004P-035G-12, including the additional conditions staff has presented. **(7-0)**

Resolution No. RS2004-407

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-152g-12 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site will be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement.

The proposed RS10, R8, and RM9 districts are consistent with the Southeast Community Plan’s Neighborhood General and Residential Low Medium policies intended for residential development with a range of housing types and densities. The mixture of housing types that can be provided with these zoning districts is consistent with the Neighborhood Center policy, providing a residential density that appropriately lessens as distance from Nolensville Pike increases.”

Resolution No. RS2004-408

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-035G-12 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. 1.The developer shall construct a westbound left turn lane with 125 ft of storage and transition per AASHTO standards on Burkitt Rd at the project access.
2. The developer shall construct a southbound left turn lane with 200 ft of storage and transition per AASHTO standards on Nolensville Rd at Burkitt Rd.
3. The developer shall construct both project access roads at phase 1.The access road in Davidson County off of Burkit shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 200 ft of storage and transitions per AASHTO standards.
4. Provide adequate sight distance at Burkit /project access intersection
5. The one -way Round-a-bouts shall be designed with splitter islands and a smooth radius to accommodate adequate truck turning movements.
6. The developer shall construct a right turn lane with 160 ft of storage with transition per AASHTO standards on Burkitt Rd at Nolensville Rd.
7. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Pettus Road at Nolensville RD.
8. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access.
9. Dedicate/ Reserve 1/2 ROW for U4 (84’/2)cross- section along Burkitt Rd frontage plus ROW for right turn lane. Burkitt is identified as having 2 10 ft travel lanes. The developer shall reconstruct Burkitt Road from

the Project access road to Nolensville Road with 12 ft wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Rd at project access road and at Nolensville Rd.

10. Provide vehicular cross access to adjacent property along Nolensville Rd.
11. The developer shall conduct traffic counts at Burkitt Rd and Nolensville Rd and submit warrant analysis to Metro Traffic engineer for signal approval at 50%, 75% and 100% issuance of building permits in Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.
12. A phasing plan for transportation improvements shall be prepared by the developer for review and approval by the Metro Traffic Engineer with the Final PUD plan.
13. 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 division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
14. 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.
15. 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.
16. 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.
17. This preliminary plan approval for the residential portion of the master plans 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.
18. A TIS was required and has been submitted for review. Public Works is reviewing the TIS and all traffic mitigations must be made part of the Council Bill prior to 3rd Reading at Council.
19. The developer shall construct a westbound left turn lane with 125 ft of storage and transition per AASHTO standards on Burkitt Rd at the project access.
20. The developer shall construct a southbound left turn lane with 200 ft of storage and transition per AASHTO standards on Nolensville Rd at Burkitt Rd.
21. The developer shall construct both project access roads at phase 1. The access road in Davidson County off of Burkitt shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 200 ft of storage and transitions per AASHTO standards.
22. Provide adequate sight distance at Burkitt /project access intersection.
23. The one -way Round-a-bouts shall be designed with splitter islands and a smooth radius to accommodate adequate truck turning movements.
24. The developer shall construct a right turn lane with 160 ft of storage with transition per AASHTO standards on Burkitt Rd at Nolensville Rd.

25. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Pettus Road at Nolensville RD.
26. The developer shall construct a right turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access.
27. Dedicate/ Reserve 1/2 ROW for U4 (84'/2) cross-section along Burkitt Rd frontage plus ROW for right turn lane. Burkitt is identified as having 2 10 ft travel lanes. The developer shall reconstruct Burkitt Road from the Project access road to Nolensville Road with 12 ft wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Rd at project access road and at Nolensville Rd.
28. Provide vehicular cross access to adjacent property along Nolensville Rd.
29. The developer shall conduct traffic counts at Burkitt Rd and Nolensville Rd and submit warrant analysis to Metro Traffic engineer for signal approval at 50%, 75% and 100% issuance of building permits in Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.
30. A phasing plan for transportation improvements shall be prepared by the developer for review and approval by the Metro Traffic Engineer with the Final PUD plan.

17. **2004Z-153G-06**
 Map 169, Parcel part of 14
 Subarea 6 (2003)
 District 35(Tygard)

A request to change from RS40 to CL district a portion of property at 8400 Highway 100, on the west side of Westhaven Drive, (2.95 acres), requested by Seab A. Tuck, III, Tuck Hinton Architects, Loveless Properties, owner. (See Planned Unit Development 2004P-033G-06)

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone approximately 3.0 acres from residential single-family (RS40) to Commercial Limited (CL) property at 8400 Highway 100, west of Westhaven Drive.

Existing Zoning

RS40 district - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

BELLEVUE COMMUNITY PLAN POLICY

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

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

Policy Conflict - Although the proposed CL rezoning is not consistent with the established RLM policy, a pending amendment to the Bellevue Community Plan would change the land use policy for this portion of parcel 014 from RLM to Neighborhood Center (NC). The proposed zoning district (CL) is consistent with a NC policy. The proposed PUD includes a 6-unit motel, small retail buildings, and banquet hall facility that are consistent with the public benefit activities, open space, and small scale office and commercial uses that are allowed in the NC policy area.

In addition to being consistent with the proposed NC policy, the adjacent parcels on the corner of Highway 100 and McCrory Lane are currently zoned CL, as well as the parcels immediately south of Highway 100 (zoned for commercial use).

Finally, the proposed zone change will not create considerable new traffic along Westhaven Drive, because the proposed property has only a single access point along Highway 100.

RECENT REZONINGS - Parcel 055 was disapproved for a rezoning by the Planning Commission (CL to CS) on October 23, 2003, but approved in Council on November 18, 2003.

TRAFFIC PUBLIC WORKS RECOMMENDATION - An access study may be required at development; see PUD comments.

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	2.95	0.93	3	29	3	4

Typical Uses in Proposed Zoning District: CL with proposed PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Quality restaurant (931)	2.95	--	10,000	900	9	75

Typical Uses in Proposed Zoning District: CL with proposed PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
hotel (310)	2.95	--	2,304 (6 rooms)	49	4	4

Typical Uses in Proposed Zoning District: CL with proposed PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	2.95	--	1,350	60	NA	4

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				980	10	79

[Note: Item #VII, Item #17, & Item #18 were discussed by The Metropolitan Planning Commission together. Please see Item #VII for the Bellevue Community Plan Resolution. See Item #18 for both 2004Z-153G-06 and 2004P-035G-12 actions and resolutions.]

18. **2004P-033G-06**
Loveless Café
Map169, Parcel 14
Subarea 6 (2003)
District 35 (Tygard)

A request for Preliminary approval for a Planned Unit Development district located at 8400 Highway 100, along the north side of Highway 100 and the west side of Westhaven Drive, classified CL and RS40 and proposed for CL, (4.43 acres), to permit 2,550 square feet of new retail uses, a 10,000 square foot banquet hall with 142 parking spaces with 66 deferred spaces, a 2,304 square foot motel with 6 executive suites, and to include the 4,860 square foot existing restaurant and 3,072 square feet of existing retail uses, requested by Tuck Hinton Architects, for Loveless Properties, LLC, owner. (See Zone Change 2004Z-153G-0)

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary PUD

Request to adopt a new Preliminary PUD to permit 2,550 square feet of new retail uses, a 10,000 square foot banquet hall with 142 parking spaces with 66 deferred spaces, and a 2,304 square foot motel with 6 executive suites, at 8400 Highway 100, on the west side of Westhaven Drive. The PUD would include the 4,860 square foot existing restaurant and 3,072 square feet of existing retail uses.

ZONING & LAND USE POLICY

R40 to CL - This request for preliminary PUD approval is associated with a zone change request (2004Z-153G-06) to change the back portion of the Loveless parcel from R40 to CL, which would allow for development of the proposed retail uses and banquet hall.

Bellevue Community Plan RLM and NC policy - The portion of parcel 014 that fronts Highway 100 currently has a Neighborhood Center (NC) policy, which is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Appropriate uses include single- and multi-family residential, public benefit activities, open space, and small scale office and commercial uses.

The portion of parcel 014 currently proposed for a zone change would go from R40, which is consistent with RLM policy, to CL, which is not. However, a pending amendment to the Subarea 6 Plan would change the land policy for this portion of parcel 014 from RLM to NC. The proposed zoning district (CL) is consistent with a NC policy.

PLAN DETAILS

Site Design - The plan proposes 6 new retail structures totaling 2,550 square feet, a 10,000 square foot banquet hall, and a motel comprised of 6 executives suites.

For the proposed uses, 188 parking spaces are required. While 200 parking spaces were initially proposed to meet this requirement, 142 new spaces are planned for immediate development, with the option of 66 extra spaces to be developed in the future as additional parking demand is demonstrated.

TRAFFIC

PUBLIC WORKS' RECOMMENDATION

1. Provide second ingress/egress point on Westhaven.
2. Access study may be required if there is not a second access point on Westhaven.

Access - Staff recommends approval of the plan, as submitted, with a condition that any traffic mitigation measures recommended in the Access Study be included in the Council Bill prior to Third Reading at Council.

An additional access point on Westhaven would create unwanted commercial traffic along a residential street. An access study is being done to consider options other than a second access point, and Public Works will have further comments upon review of this and a parking study.

Environmental - The applicant is allowing for a 20' C-4 landscaping buffer along the northern edge of the property, between the proposed development and the residential area to the north. The buffer is also planned along the eastern edge of the parking lot.

CONDITIONS

1. Prior to Third Reading at Council, any traffic mitigation measures recommended in the Access Study must be included in the Council Bill.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

Resolution No. RS2004-409

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-153G-06 is **APPROVED. (9-0)**

The proposed CL district is consistent with the updated Bellevue Community Plan’s Neighborhood Center policy. It is also consistent with the surrounding zoning districts in the area, the adjacent parcels on the corner of Highway 100 and McCrory Lane are currently zoned CL, as well as the parcels immediately south of Highway 100 (zoned for commercial use).”

Resolution No. RS2004-410

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-033G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Provide second ingress/egress point on Westhaven.
2. Access study may be required if there is not a second access point on Westhaven.
3. Prior to Third Reading at Council, any traffic mitigation measures recommended in the Access Study must be included in the Council Bill.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works.
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.”

X. FINAL PLATS

- 19. 2004S-304U-12**
Wolf Chase, Section One
Map171, Parcels 83, 108, 117, 158
Subarea 12 (2004)
District 31 (Toler)

A request for final plat approval for 15 lots, located on the south margin of Church Street, opposite Cloverland Drive, classified R40 (15.86 acres), requested by Pulte Homes of TN, LP, developers, and Gresham-Smith, engineers.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST- Final Plat

Request for final plat approval to allow for the development of a 15-lot cluster lot subdivision.

This property is located along the south side of Cloverland Drive, across from the intersection of Church Street and the north-south portion of Cloverland Drive. The subdivision includes an additional 170 lots on 213 acres located in the City of Brentwood.

This request matches the approved preliminary plat; but the Southeast Community Plan update recently adopted by the Commission required that the Cloverland Drive Extension (aka Jones Parkway) to Williamson County be given special consideration prior to implementation.

AMENDMENT TO SOUTHEAST COMMUNITY PLAN:

2004 UPDATE - *Concerning the following connections, care should be taken during implementation so that the quality of life for area residents is not adversely impacted. These connections are planned to take place in areas, which although not fully developed, have a substantial amount of development in place already that will be impacted by the planned connections.*

Cloverland Drive Extension to Williamson County

The continued advisability of this connection, along with its impacts on the surrounding road network, should be carefully studied prior to implementation. This connection should also be implemented with great sensitivity to the quality of life of area residents.

The Jones Parkway connection is shown on the Vehicular Network Plan (page 29 of the Southeast Community Plan) as a Proposed Collector Street.

STAFF ANALYSIS - Staff has reviewed the connection and its impacts on the surrounding road network. While the connection is necessary, it is possible that the existing roads in this area are not sufficient to handle the additional traffic that may be generated from a connection of Jones Parkway into Williamson County. This is an operational issue, however, and staff recommends that the Commission defer to Public Works for any decision as to whether the connection from Jones Parkway to Cloverland/Church Street should be temporarily blocked or any other steps that are required to address the existing road deficiency. The connection itself is necessary for efficient traffic patterns in the area in the future and is currently conditioned to not take place until the Jones Parkway connection to Old Smyrna Road in Williamson County is connected.

PLAN DETAILS

Cluster Lot Option - The subdivision plan utilizes the cluster lot option provided in the Metro Zoning Code for areas with environmental constraints. The applicant is using the cluster lot option because of hillside topography issues associated with this site. The plan proposes a reduction of lot sizes by two zone districts to the minimum of 20,000 square feet. The applicant is proposing 22.2% open space – which exceeds the minimum requirement of 15%.

Offset T-type Intersection Variance *Sec. 2-6.2.1(H)* - A variance was granted for a T-type intersection with the approval of the preliminary plat. The Metro Subdivision Regulations require that all offset t-type intersections, located along a collector street, be a minimum of 300 feet apart. Since the applicant is requesting to utilize the cluster lot option of subdivision development, staff recognizes that there are significant topographic constraints associated with this property. Because of these constraints, all lots have been brought adjacent to the proposed Jones Parkway collector street. Rather than proposing multiple driveways along a collector street – which is not preferred – the applicant is proposing small offset cul-de-sacs along Jones Parkway that will keep driveways off of the collector street. Therefore, staff recommends approval of this requested variance.

METRO PUBLIC WORKS' RECOMMENDATION FROM JUNE 10, 2004

“The following mitigations by the developer will be required for Traffic approval of a subdivision plan with connections to Williamson County roads. These mitigations are based on the Traffic review of the Foxview development TIS dated January 9, 2004:

At the Cloverland Dr/ Old Hickory Blvd (OHB) intersection

(Planned EB right turn lane and NB left turn lane completion date is summer 2004.)

- On Cloverland, install 12 ft wide northbound right turn lane with 375 ft storage length and transition per AASHTO standards.
- On Cloverland, install a 2nd 12 ft wide northbound left turn lane. Provide 215 ft of storage length for both and 175 ft transition per AASHTO standards for both left turn lanes.
- On Cloverland, restripe northbound through/right/left lane to thru lane only.
- On Seven Springs, restripe southbound lanes to 2 left turn lanes and a right through lane.
- **On OHB install 12 feet wide eastbound through lane improvements approximately 750 feet each side of the OHB Edmondson Pike intersection vs. the eastbound lane between Edmondson Pike and I-65.**
- On OHB, increase westbound left turn lane storage length to 250 ft with transition per AASHTO standards.
- Modify signal to provide optimum traffic movement with intersection redesign. Install Pedestrian signals per ADA standards.

At the Cloverland Dr/Church St intersection

- Improve intersection geometry to improve lane alignment and identified storage lengths for turn lanes. Due to Row restrictions, a 15% skew of the intersecting roads will be allowed. Intersection design shall provide 3 southbound lanes, 2 eastbound lanes, 3 westbound lanes, and 2 northbound lanes. The developer shall also provide for optional driveway relocation for any neighboring properties impacted by the intersection redesign.
- On project access road, install northbound 12 ft wide left turn lane with 150 ft storage length and transition per AASHTO standards.
- On project access road, install 12 ft wide northbound through /right lane.
- On Cloverland, install 12 ft wide southbound through lane.
- On Cloverland, install new southbound right turn lane with 200 ft storage lane and transition per AASHTO standards.
- On Cloverland, provide southbound left turn storage length of 300 ft. with 140 ft transition per AASHTO standards.
- On Church, restripe 2 way left turn lane to left turn lane with storage length as needed for both the eastbound and westbound left turn lanes.
- On westbound approach, retain right turn lane with 100 ft of storage and AASHTO transition.
- Modify existing signal to optimize traffic movements with intersection redesign.
- Install pedestrian signals per ADA standards.

Cloverland Drive

Cloverland Drive is currently identified as a collector street. In lieu of the developer improving Cloverland Drive to collector status, the developer is to place \$200,000 in an escrow account acceptable to Metro. Such funds shall be spent at the discretion of the Department of Public Works to address roadway issues in the project's impact area.

Edmondson Pike/ Cloverland

- Install and coordinate with Metro turn lane increased storage lengths as identified in TIS.
- On Edmondson Pike, Increase northbound left turn lane storage length to 175 ft from Metro designed 150 ft length.
- On Edmondson Pike, increase southbound right turn lane to 425 ft from metro designed 400 ft storage.

Other Condition Items

- All roadway improvements are to be in place prior to issuance of any building permits or an improvement scheduled as approved by Public Works.
- All drawings require a professional seal.
- The Metro subdivision regulations require a minimum distance of 300 feet between offset T-type intersections. The preliminary plat as presented will require a variance.
- If the connection to the existing Cloverwood Drive can not be made within the existing right-of-way using 30 mile/hour design criteria, then the new section of Cloverwood should be a cul-de-sac.
- The preliminary plat approval is subject to Public Works' review and approval of construction plans.

PLANNING COMMISSION MINUTES FROM APPROVAL OF PRELIMINARY SUBDIVISION PLAN ON JUNE 10,2004

When the preliminary subdivision plat for this property was approved by the Planning Commission, the Commission included some of the conditions recommended by Public Works. The Commission agreed to accept a \$200,000 contribution from the developer, however, in lieu of requiring the reconstruction of Cloverland Drive. The amount of this contribution was approved by Public Works.

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-166U-12 is APPROVED WITH A CONDITION that the Cloverland Drive/Church Street intersection in Metro Davidson County be reconstructed according to Metro Public Works' conditions, to be done at the developer's expense, and that \$200,000 shall be placed in an escrow account acceptable to Metro to offset the impact of this development on roadways within Davidson County. Such funds shall be spent at the discretion of the Department of Public Works to address roadway issues in the project's impact area, and that Cloverwood Drive be provided with a permanent dead-end, and that the connection of Jones Parkway to Cloverland Drive take place simultaneously with the connection to Old Smyrna Road in Williamson County. (9-0)

Conditions of Approval:

At the Cloverland Dr/Church St intersection

- Improve intersection geometry to improve lane alignment and identified storage lengths for turn lanes. Due to Row restrictions, a 15% skew of the intersecting roads will be allowed. Intersection design shall provide 3 southbound lanes, 2 eastbound lanes, 3 westbound lanes, and 2 northbound lanes. The developer shall also provide for optional driveway relocation for any neighboring properties impacted by the intersection redesign.
- On project access road, install northbound 12 ft wide left turn lane with 150 ft storage length and transition per AASHTO standards.
- On project access road, install 12 ft wide northbound through /right lane.
- On Cloverland, install 12 ft wide southbound through lane.
- On Cloverland, install new southbound right turn lane with 200 ft storage lane and transition per AASHTO standards.
- On Cloverland, provide southbound left turn storage length of 300 ft. with 140 ft transition per AASHTO standards.
- On Church, restripe 2 way left turn lane to left turn lane with storage length as needed for both the eastbound and westbound left turn lanes.

- On westbound approach, retain right turn lane with 100 ft of storage and AASHTO transition.
- Modify existing signal to optimize traffic movements with intersection redesign.
- Install pedestrian signals per ADA standards.

Other Condition Items

1. In lieu of the developer improving Cloverland Drive to collector status, the developer is to place \$200,000 in an escrow account acceptable to Metro. Such funds shall be spent at the discretion of the Dept. of Public Works to address roadway issues in the project's impact area.
2. All roadway improvements are to be in place prior to issuance of any building permits or an improvement scheduled as approved by Public Works.
3. All drawings require a professional seal.
4. The Metro subdivision regulations require a minimum distance of 300 feet between offset T-type intersections. The preliminary plat as presented will require a variance. If the connection to the existing Cloverwood Drive can not be made within the existing right-of-way using 30 mile/hour design criteria, then the new section of Cloverwood should be a cul-de-sac.
5. The preliminary plat approval is subject to Public Works' review and approval of construction plans.
6. Prior to the recordation of any final plat for the proposed subdivision, roadway improvements, as required by Metro Public Works, shall be completed or bonded with the first final plat."

CONDITIONS

1. The final plat must comply with all conditions of preliminary plat approval, including that the connection of Jones Parkway to Cloverland Drive must not take place prior to the connection of Jones Parkway to Old Smyrna Road in Williamson County.
2. Prior to the recordation of any final plat for the proposed subdivision, roadway improvements, as required by Metro Public Works, shall be completed or bonded with the first final plat.
3. Prior to the recordation of the final plat, approvals shall be obtained from Water Services for stormwater and water and sewer service, and infrastructure improvements shall be bonded.

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

Mr. Tom White, attorney, spoke in support of the proposal.

Mr. Davis Lamb, Pulte Homes, spoke in support of the proposal.

Ms. Karen Montalvo, 1704 Rosecrans Place, spoke in opposition to the proposal.

Mr. Chuck Balken, spoke in opposition to the proposal.

Mr. John Brittle Jr., 5474 Franklin Pike Circle, spoke in opposition to the proposal.

Ms. Laurie Rounds, 4833 Manassus Drive, spoke in opposition to the proposal.

Ms. Darlene Reiter, 6324 Banbury Crossing, spoke in opposition to the proposal.

Mr. John Waller, 5662 Cloverland Drive, spoke in opposition to the proposal.

Mr. Leon Williams, 4809 Manassus Drive, spoke in opposition to the proposal.

Mr. Ed Owens, Gresham Smith & Partners, spoke in support of the proposal.

Councilman Toler spoke of the history of the proposal. He stated he is in favor of the development, but is not in favor of its connection into Davidson County. He explained that there are currently approximately 8,500 cars that travel on Cloverland Drive and after this development, there would be approximately 15,000 cars a day which will cause additional traffic tie-ups from Cloverland to Old Hickory and Old Hickory to Church Street every morning and afternoon on a daily basis.

Mr. Clifton requested further clarification regarding the regional transportation planning process in relation to this development.

Mr. Bernhardt explained that the three year MPO plan is currently under development and will be adopted early next year. The deadline for submitting additional projects for this plan is December 29, 2004. He stated that these roads would be a request from the Planning Department to be a part of that process.

Mr. Clifton requested further clarification on the process used by the MPO department to determine the three year MPO plan.

Mr. Bernhardt explained this process to the Commissioners.

Mr. McLean stated that the Commission has already approved the preliminary plat with the special conditions placed on the development and that nothing has changed that would warrant the Commission to change their vote on the final plat.

Mr. Small stated that even though this plat was approved at the preliminary stage, he did not feel that the necessary changes were made to improve the impacts this development would have on the residents living in the area.

Ms. Jones stated that the plan is still the same since preliminary and the proposal may help balance the traffic in that area.

Mr. Loring stated that he agreed with Mr. McLean's thoughts on the proposal.

Mr. Lawson expressed a concern regarding the connectivity of the development. He too stated that the plan has not had any changes since its approval at the preliminary stage.

Mr. McLean moved and Ms. Jones seconded the motion to approve with conditions Final Plat 2004S-304U-12. **(6-1)**
No Vote – Small

Resolution No. RS2004-411

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-304U-12 is **APPROVED WITH CONDITIONS. (6-1)**

Conditions of Approval:

1. The final plat must comply with all conditions of preliminary plat approval, including that the connection of Jones Parkway to Cloverland Drive must not take place prior to the connection of Jones Parkway to Old Smyrna Road in Williamson County.
 2. Prior to the recordation of any final plat for the proposed subdivision, roadway improvements, as required by Metro Public Works, shall be completed or bonded with the first final plat.
 3. Prior to the recordation of the final plat, approvals shall be obtained from Water Services for stormwater and water and sewer service, and infrastructure improvements shall be bonded.”
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20. **2004S-319U-05**
Sleep Inn Subdivision, Resub
Map 060-04, Parcel 100, 118
Subarea 5 (1994)
District 2 (Isabel)

A request for final plat approval to remove the sidewalk requirement on two lots abutting the southwest corner of Homestead Road and Dickerson Pike (4.27 acres), classified within the R6 District, requested by Maverick Management, LLC, Dale & Associates, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-319U-05 to December 9, 2004 at the request of the applicant. (9-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

21. **154-73-G-14**
Hermitage Woods - Raintree Village
Map 86, Parcel 355
Subarea 14 (1996)
District 12 (Gotto)

A request to cancel a portion of a Commercial Planned Unit Development district located at Old Hickory Boulevard (unnumbered), north of Central Pike, classified RM9, (10.65 acres), where 74 multi-family units are approved, requested by Barge Waggoner Sumner and Cannon, for Davco O.H. Blvd, Properties, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST- Cancel PUD

Request to cancel a 10.65 acre portion of an existing Planned Unit Development, approved for 74 multifamily units, located at Old Hickory Boulevard (unnumbered), north of Central Pike.

DETAILS OF REQUEST

History- The approved preliminary PUD plan allowed for the construction of 128 townhomes on 23.47 acres, including parcel 355. The land for six of the units was lost when TDOT acquired 0.65 acres for right-of-way. After the completion of 48 of the 128 planned homes, a new plat was recorded that established phase lines dividing the 128 units into three sections. When the bank subsequently foreclosed on the project, the three sections were converted into properties to be owned separately. Davco-O.H. Properties acquired the vacant 10.65 acres in 1988, and now wishes to cancel the PUD in order to construct condominiums, as well as create another access point from the parcel to Old Hickory Boulevard.

Donelson-Hermitage Community Plan Policy - The subject site is located within Residential Medium (RM) density policy, which accommodates residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. The current RM9 zoning on the property is consistent with the RM land use policy. The RM9 zoning would allow 95 units to be constructed, 21 more than are currently permitted by the PUD.

TRAFFIC PUBLIC WORKS RECOMMENDATION-Traffic does not support cancellation of the PUD unless access to the cancelled portion is by way of the approved PUD roadway. This PUD was approved with the consolidation of potential driveways along Old Hickory Boulevard into one major access point at Hermitage Woods Drive.

STAFF RECOMMENDATION - Based on the Public Works recommendation, staff recommends disapproval of the request to cancel this portion of the existing Planned Unit Development. The applicant's stated purpose for removing the PUD is to gain separate access on to Old Hickory Boulevard. Since the Traffic Division of Public Works has recommended against allowing the additional access, the property needs to stay within the PUD in order to access the network of internal streets.

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

Mr. Lawson requested clarification on staff's recommendation.

Ms. Fuller explained the staff's recommendation of disapproval was based on the fact that canceling this PUD would move the access point of this development, and would be contrary to the approval of the original PUD.

Mr. Bill Lockwood, BWSC, spoke in support of the proposed PUD cancellation.

Mr. Chance Allen, co-owner, spoke in support of the proposal.

Mr. Keith Wright, 413 Raintree Place, spoke in opposition to the proposal.

Mr. Lawson requested further clarification on this PUD cancellation in relation to the original application.

Mr. Bernhardt explained that there were issues with a second access being that close to the intersection of Old Hickory Boulevard. He stated that staff would suggest that any additional access would be subject to a full access study presented to Public Works to insure that the access is in conformance with Public Works standards, especially the left turn, out of the development site, and that there be no access whatsoever to Old Hickory Boulevard.

Mr. Tyler requested clarification on the proposed land uses of this area if the PUD were to be cancelled.

Ms. Fuller stated that currently the land use would allow 74 units. If the PUD was cancelled, this number could increase to 91 units.

Mr. Clifton questioned the public policy reasons for recommending approval of the PUD cancellation. He was not sure of any planning reasons that would suggest approving the cancellation.

Mr. McLean examined both options of the proposed PUD.

Mr. Small spoke in favor of staff recommendation; however, he suggested deferring this item until further studies could be completed.

Mr. Jones agreed with deferring the item to allow additional time to work out the issues associated with it.

Mr. Loring stated that he agrees with Councilman Gotto who is looking to approve the PUD cancellation.

Mr. Lawson stated that staff is recommending disapproval. However, he stated that there were reasons that would possibly allow approval, but the reasons need further exploration. He stated that the Commission should not take action until the issues could be studied further. He stated that a deferral would be appropriate.

Mr. Small moved and Ms. Jones seconded the motion, to defer Planned Unit Development 154-73-G-14 to January 13, 2005 provided that the applicant submits an access study in a timely manner for review by the Planning staff.
(7-0)

The Metropolitan Planning Commission DEFERRED this request to cancel a Commercial Planned Unit Development, 154-73-G-14, to the January 13, 2005 meeting, provided the applicant turns in an access study to MPC Staff.

22.

64-84-P-05
Greenfield Plaza Kroger
Map 072-02, Parcel 148
Subarea 5 (1994)
District 8 (Hart)

A request to revise the preliminary plan and for final approval of the Commercial Planned Unit Development District located at the southeast corner of the intersection of Gallatin Pike and Greenfield Avenue, classified CL, (5.2 acres), to permit the addition of 21,229 square foot to the existing grocery store, requested by CEI Engineering, for Cargill Incorporated, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Preliminary PUD

Request to amend the preliminary PUD plan to permit the addition of 21,229 square feet to the existing 45,297 square foot grocery store at the southeast corner of the intersection of Gallatin Pike and Greenfield Avenue.

Zoning (CL district) - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Subarea 5 Plan's Policy - CAE policy is intended to recognize existing areas of "strip commercial" which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

PLAN DETAILS

Site Design - The plan proposes additional square footage for the expansion of the existing grocery store, totaling 64,375 square feet. Access is provided from Greenfield Avenue, Gallatin Pike, and Shelton Avenue, which are existing access points. The total parking spaces proposed is 258, which exceeds the required parking requirement for the requested square footage. The parking area is also to be reconfigured. This expansion will be completed in one phase.

Access - Public Works has requested an access study. This study shall be submitted and approved prior to final PUD approval.

Stormwater - The Stormwater Division of the Metro Water Services Department has requested additional information. This information shall be submitted and approved by the Stormwater Division prior to final PUD approval.

STAFF RECOMMENDATION - Staff recommends approval with conditions. The PUD amendment complies with the zoning and PUD requirements, as well as, the land use policy in the area.

CONDITIONS

1. Prior to final PUD approval, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works, including approval of the required access study and drainage and grading plans.
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.

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

Resolution No. RS2004-412

“BE IT RESOLVED by The Metropolitan Planning Commission that 64-84-P-05 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to final PUD approval, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works, including approval of the required access study and drainage and grading plans.
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.”

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23. **7-87-P-12**
Haywood Oaks, Phase II and III
Map148, Parcel part of 14
Subarea 12 (2004)
District 30 (Kerstetter)

A request to revise a portion and for final approval for a portion of an existing Commercial Planned Unit Development district located at 5209 Linbar Drive, west of I-24, classified CS, (16.47 acres), to permit the change in use to Religious Institution for a 28,350 square foot portion and an 11,000 square foot portion of two existing buildings approved for Office/Showroom, wholesale Sales, and Warehouse uses, requested by Duke Realty Limited Partnership, owner.

Staff Recommendation *Approve*

APPLICANT REQUEST- Revision/Final PUD

Request to permit a change in use to Religious Institution for a 28,350 square foot portion and an 11,000 square foot portion of two existing buildings approved for Office/Showroom, Wholesale Sales, and Warehouse uses.

DETAILS OF REQUEST- The church proposed in building six consists of 3,900 square feet of space and will have a maximum of 60 parishioners (seats in sanctuary) at full capacity. The applicant is also requesting to have up to 21.5% of the square footage of the two buildings to be used as a church in the future.

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

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exception Taken.

The potential use of 39,350 square feet of office for Church services will occur on Wednesday nights and Sundays. These are non-peak travel times. The approved plan for building 6 showed 500 parking spaces and Building 7 had 120 spaces. Parking during non-office hours is adequate.

STAFF RECOMMENDATION- Staff recommends approval because the requested use, Religious Institution, will be a compatible use in the office complex and will allow utilization of the office park at non-peak hours.

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

Mr. Wilfrid Freve, 4225 Naperville Road, spoke in support of the proposal.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve Planned Unit Development 7-87-P-12. (7-0)

Resolution No. RS2004-413

“BE IT RESOLVED by The Metropolitan Planning Commission that 7-87-P-12 is **APPROVED (7-0).**”

24. 89P-013U-12
Hickory Bell Retail PUD
Map 162, Parcel 252
Subarea 12 (2004)
District 31 (Toler)

A request to revise a portion of the preliminary and for final approval for a portion of a Commercial Planned Unit Development district located abutting the south side of Old Hickory Boulevard, 1,100 feet east of Nolensville Pike, classified SCR, (0.89 acres), to permit the development of a 3,737 square foot automatic car wash, replacing a 3,670 square foot, undeveloped, restaurant, requested by Dale and Associates, Inc, for Steak N Shake, owner, and Smith Brothers, Car Wash, optionee.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 89P-013U-12 to December 9, 2004 at the request of the applicant. (9-0)

25. 97P-026U-07
West End Station
Map104-01, Parcel 263 and 266
Subarea 7 (2000)
District 24 (Summers)

A request for final approval for the Residential Planned Unit Development District abutting the north margin of Nebraska Avenue and the east margin of 36th Avenue North (5.18 acres), classified RS7.5, to permit the development of 46 townhomes, requested by Gresham, Smith and Partners, for Westwood Nashville, LLC, owners.

Staff Recommendation - Approve with conditions, as a revision to preliminary and final.

APPLICANT REQUEST - Final PUD

Request for final PUD approval for 46 townhomes on 5.18 acres, at 218 36th Avenue North and 3526 Nebraska Avenue, west of I-440.

Although the applicant has requested final PUD approval, staff recommends approval as a revision to preliminary and final, since the proposed plan changes the building footprints, parking layout and open space configuration.

PLAN DETAILS

History - This Residential PUD was originally approved in 1997, for 46 townhomes on 5.18 acres at 8.88 units per acre. The PUD is currently undeveloped.

Site Design - The applicant again proposes 46 townhomes. The original PUD plan proposed a large parking lot for the interior of the PUD, but the site plan has been modified to include a central open space area. This open space area is proposed because each unit now includes a garage.

The proposed units along 36th Avenue North have been reoriented to front the street. Those in the interior of the PUD have been oriented to front the open space once reserved for a large parking area. Overall, the plan has improved, from a design standpoint, with units facing public open space areas, and units facing 36th Avenue North.

Access - Access to the PUD was originally approved along 36th Avenue and Nebraska Avenue to the south. The proposed plan is consistent with the original access points approved by Council. Private roads are proposed through the development.

Open Space - The Council-approved plan had 0.81 acres devoted to building coverage and 1.03 acres devoted to parking and streets, leaving the remaining 3.34 acres (65%) to open space. The proposed plan has 2.74 acres of open space (53%). The currently Zoning Ordinance does not have a minimum open space requirement.

Stormwater - The applicant is providing a detention pond along the northeastern part of the development. Various tree species are provided along the perimeter and within the interior of the development to satisfy Metro landscaping requirements. Silt fence barriers are proposed along the northern and eastern limits during construction.

TRAFFIC PUBLIC WORKS RECOMMENDATIONS - Traffic recommends that the applicant provide and submit documentation of adequate sight distance at the access drive on Nebraska Avenue.

Staff Recommendation - Since this plan is consistent with the original Council-Approved plan, staff recommends approval with conditions as a revision.

CONDITIONS

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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Mr. Leeman presented and stated that staff is recommending approval with conditions, as a revision to preliminary and final.

Mr. Ed Owens, GS&P, spoke in support of the proposal.

Councilman Summers spoke in support of the proposal. Councilman Summers explained that two additional conditions needed to be included as part of the proposal that were not included in the original agreement made in 1997. The first condition being that the development would be condos and the second condition that there be ingress coming in from Nebraska.

Mr. Wayne Remeny, 3606 Pilcher Avenue, spoke in opposition to the proposal.

Mr. Rodney Davis, 407 Theresa Avenue, mentioned traffic issues that would be associated with this proposal.

Mr. Eric Heedy, Westwood Nashville, spoke in support of the proposal.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve with conditions Planned Unit Development 97P-026U-07 including that access on Nebraska Avenue be for ingress only, and access on 36th Avenue North be for ingress/egress, and that it be platted as a horizontal property regime. **(7-0)**

Resolution No. RS2004-414

“BE IT RESOLVED by The Metropolitan Planning Commission that 97P-026U-07 is APPROVED WITH CONDITIONS, including that access on Nebraska Avenue be for ingress only, access on 36th Avenue North be for ingress/egress, and that it be platted as a horizontal property regime. (7-0)

Conditions of Approval:

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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

-
26. **2003P-009U-08**
Parc at Metro Center
Map 81-04, Parcel 226
Subarea 8 (2002)
District 2 (Isabel)

A request for final PUD approval for a phase of the Residential Planned Unit Development district located abutting the north side of Dominican Drive and the west side of Athens Way, classified RM20, (10.26 acres), to permit the development of 144 multi-family units in Phase 1, requested by Ragan Smith Associates, Inc, for American Realty and Trust, owner,

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST- Final PUD

Request for final PUD approval to for the development of 144 multi-family units in Phase 1. The 10.26 acre site is located on the north side of Dominican Drive and the west side of Athens Way.

PLAN DETAILS - This residential PUD was adopted by the Metro Council on July 15, 2003 (BL 2003-1440), to permit the development of 224 multi-family units total.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No details were shown for the proposed sidewalk and concrete ramps on Athens Way. Show Metro ST -210 sidewalk and Metro ST -314 concrete ramps on Athens Way. Label curb and gutter as new or existing. If new, show Metro ST -200 curb and gutter. Note that the existing sidewalk on Dominican Drive shall be brought up to compliance with current Metro standards if not already in compliance. A handicap access ramp is required at the intersection of Dominican Drive and Athens Way if none already exists.

Traffic Comments -Comply with all conditions prior to the issuance of the Use and Occupancy Permit.

At Athens Way and South Access Drive:

1. Install striping per Fig 7 of TIS dated 4/20/04
2. Install 24 ft. maximum width driveway
3. Show stop sign

At Athens Way and North Access Drive:

1. Install a northbound left turn lane with 100 feet of storage designed per AASHTO standards.
2. Maximum driveway width shall be 24 feet.
3. Show stop sign
4. Remove stop bar on Athens Way
5. Provide signal plan for pedestrian facilities at Dominican Drive and Metrocenter Boulevard. All striping per MUTCD and shall be thermoplastic.
6. Signs shall be 3M, high intensity reflective material.
7. Include note on all plans.

STAFF RECOMMENDATION - Staff recommends approval with conditions. This final PUD plan is consistent with the preliminary PUD plan approved by the Planning Commission on May 22, 2003.

CONDITIONS

1. Comply with Public Works conditions of approval.
2. 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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes

Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

Resolution No. RS2004-415

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003P-009U-08 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

At Athens Way and South Access Drive:

1. Install striping per Fig 7 of TIS dated 4/20/04
2. Install 24 ft. maximum width driveway
3. Show stop sign

At Athens Way and North Access Drive:

2. Install a northbound left turn lane with 100 feet of storage designed per AASHTO standards.
3. Maximum driveway width shall be 24 feet.
4. Show stop sign
5. Remove stop bar on Athens Way
6. Provide signal plan for pedestrian facilities at Dominican Drive and Metrocenter Boulevard. All striping per MUTCD and shall be thermoplastic.
7. Signs shall be 3M, high intensity reflective material.
8. Include note on all plans.
9. 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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
10. 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.
11. 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.
12. 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.

13. 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.”

27. **2004P-029U-11**
Nolensville Center
Map118-04, Parcel 081
Map119-01, Parcel 044
Subarea 11 (1999)
District 16 (McClendon)

A request for preliminary approval for a Planned Unit Development district located at 2204 Nolensville Pike, 250 feet south of Glenrose Avenue, classified CS and R6, (.45 acres), to include an existing car sale operation of 1,350 square feet, requested by Shaun Shirzad Etemad.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2004P-029U-11 to January 13, 2005 at the request of the applicant. (9-0)

28. **2001UD-001G-12**
Lenox Village, Phase 7
Map 173, Parcel 220
Subarea 12 (2004)
District 31 (Toler)

A request for final plan approval for a phase of the urban design overlay district located on the east margin of Nolensville Pike, opposite Bradford Hills Drive, classified RM9, to permit the development of 54 townhouses and 26 single-family lots, requested by Anderson-Delk & Associates, Inc., for Lenox Village I, LLC, owner.

Staff Recommendation - *Defer* until Traffic Impact Study phasing plan is approved by Public Works. If the applicant does not wish to defer, staff recommends disapproval.

APPLICANT REQUEST - Approval of final UDO plan for Phase 7 to permit development of 54 townhouses, 12 single-family rear access homes, and 14 single-family street access homes, on a total of 11.45 acres.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No studies have been submit to change Traffic's recommendations. A phasing plan for improvements has still not been submitted.

Comments provided October 11, 2004:

This phase appears to be located in the Amendment to Lenox Village that was adoped July 15, 2003. The amendment required a Traffic Impact Study. Many roadway mitigations were required for this additional development. Per the conditions of previous approvals, roadway mitigations shall be installed prior to approval or a development phasing plan with TIS documentation shall be submitted and approved.

Old Hickory Blvd/ Nolensville Road Intersection:

For the intersection of Old Hickory Blvd., the TIS suggested that only a grade separation design mitigation will improve this intersection to the level of service D.

Existing PM peak hour LOS is E, with an intersection delay of 58 seconds, background traffic conditions result in AM peak hour LOS E and PM peak hour is LOS F, with an intersection delay of 95 seconds. With the addition of total project build out the LOS remains at LOS E and LOS F, with the average delay increasing to 122 seconds. There are no recommended mitigations for this intersection.

Barnes Road / Nolensville Road Intersection:

At the intersection of Barnes/Celebration Way and Nolensville Road, a signalized intersection, the existing LOS is acceptable. With background traffic, the LOS remains acceptable. With the addition of the total project build out, this intersection will operate at LOS F in the am and pm peak hours. A review of the Nolensville ROW information Indicates that there is approximately 70 ft of Right of way on Nolensville at this location.

The developer shall install the following mitigations.

- Modify existing signal
- Install a 12 ft wide north bound lane for a minimum distance of 400 ft in advance of Barnes Rd and 250 ft past intersection with transition per AASHTO standards.
- Install a 12 ft wide south bound through lane for a minimum distance of 600 ft in advance of Celebration Way and 250 ft past intersection with transition per AASHTO standards. Construction plans shall be submitted to locate optimum beginning and ending of this road widening.

Holt Road / Nolensville Road Intersection:

- This is a stop controlled intersection with Holt stopping for Nolensville Road. The Eastbound turn lanes operate at LOS F with a 69 second average delay. Under background traffic conditions the delay increases to 234 sec/veh. With the project, the delay increases to 6979. With the installation of a NB left turn lane and signalization, the LOS is F, with delay of 104 sec/veh.
- Install NB left turn lane on Nolensville Rd with 75 ft storage and transition per AASHTO standards.
- Install signal with optimum signal timing. Submit signal plan to Metro engineer for approval.

Along Lenox Village property frontage on Nolensville Road:

- Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
- Reserve 1/2 ROW for Nolensville Road U6 classification. (1/2 Of 132 ft)

Lord's Chapel Way, northernmost access point (access #1):

- The northernmost access point (access 1) to Lenox Village has already been constructed.
- The pavement shall be striped to provide WB left turn lane and WB right turn lane.
- No on-street parking shall be allowed for 300 feet from intersection on the north side of access 1 in order to allow adequate storage.
- Install 12-foot wide southbound (SB) left turn lane on Nolensville Rd with 75 feet of storage length.

Bradford Hills / Lenox Village Drive and Nolensville Road intersection (access #2):

- The Bradford Hills / Lenox Village Drive and Nolensville Road intersection is currently signalized.
- Re-stripe WB Lenox Village Dr for left/thru lane and a WB right lane.
- Install NB right turn lane.
- Install 150 ft SB left turn lane in 2-way left turn lane.
- Provide no parking on north side of access road for 200 ft from intersection

Project access #3, private drive for Commercial :

- Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #3
- Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
- Install NB right turn lane

Project access #4:

- Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #4 road
- Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
- Install NB right turn lane
- No on street parking shall be provided for 75 ft from intersection
- Provide adequate sight distance

Project access #5:

- Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #5 road

- Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
- Install NB right turn lane
- Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities. Access 5 shall be located opposite school drive
- Provide adequate sight distance”

RECOMMENDATION- Staff recommends deferral, subject to TIS phasing plan being submitted to Public Works and approved.

RECOMMENDED CONDITIONS (IF APPROVED):

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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

Ms. Fuller presented and stated that staff is recommending deferral until a traffic impact study phasing plan is approved by Public Works. If the applicant does not wish to defer, staff recommends disapproval.

Mr. Small requested that Mr. Bob Weithofer, Metro Public Works, address the Commission regarding the issues with the proposal.

Mr. Bob Weithofer, Transportation Manager, stated the final issue with this proposal is the phasing plan. He explained that the developer has not yet submitted this plan as requested and that he would recommend deferral until the plan is provided for review.

Mr. Small clarified that the phasing plan would consist of road improvements.

Mr. David McGowan, developer, spoke in support of the proposal and further explained the issue of the phasing plan submittal. Mr. McGowan requested that the Commission approve the plan and to modify the condition that would allow the developer to make a \$75,000 cash contribution to the road improvements that are necessary for this proposal.

Mr. Tyler stated that the traffic impact study was required originally and should be submitted for review prior to approval. He stated that staff has required that roadway mitigations be installed or the traffic impact study be submitted and if this wasn’t completed, then the proposal should be deferred.

Mr. Clifton requested additional information on how the Commission could act on this proposal.

Mr. Bernhardt suggested that the Commission could add a condition that the developer provide a phasing plan acceptable to Public Works or an “in lieu” payment acceptable to Public Works.

Mr. Weithofer stated the letter received by Mr. McGowan was not considered a phasing plan, nor did Public Works consider his proposal for a contribution indicative of the impact that the proposal would have on the intersections. Mr. Weithofer stated that it is still possible to work with the developer regarding these issues, but at the current time, they have not reached an agreement.

Mr. Lawson suggested that the staff continue to work with the developer and public works to see if any modifications should be made to the conditions in accordance to the guidelines for this development.

Mr. McLean requested additional information pertaining to the request of impact studies in relation to this project and other projects that the Commission has considered.

Mr. McLean suggested deferring the item to allow staff to look at impact studies and to work more with the

developer.

Mr. Bernhardt offered his suggestions on the actions the Commission could take regarding this proposal. The first option was to retain the phasing schedule and/or allow them to work it out with Public Works and obtain approval, or defer definitive action on the issues relating to Hope and Barnes Roads until the next phase of the development is presented.

Mr. McLean moved and Mr. Clifton seconded the motion to approve with conditions 2001UD-001G-12, to include that a phasing plan be submitted that would be acceptable to Public Works and/or a fair share payment acceptable by Public Works be made for the improvements needed at the intersections that will be impacted by the development. If no agreement is reached, the plan would be resubmitted to the Commission for final resolution. **(5-2) No Votes – Small, Tyler**

Mr. Clifton requested clarification regarding the motion.

Mr. Bernhardt explained the various outcomes that would be possible with the proposed motion.

Mr. Loring requested that Public Works make a good effort at resolving the issue with the developer in order to not delay construction.

Mr. Lawson recommended that if the proposal would have to be resubmitted to the Commission for final resolution, he would like to make sure that all the answers that were raised by the Commissioners regarding this proposal will have answers before the proposal returns to the Commission.

Mr. Small expressed his concerns regarding approving the development as it is currently proposed. He stated that the issues needing resolution are quite significant and the appropriate time should be taken in order to find the proper resolutions.

Resolution No. RS2004-416

“BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-001G-12 is **APPROVED WITH CONDITIONS, including that a phasing plan be submitted and that the applicant may be allowed to pay Public Works an amount to be agreed upon that will go to address intersections impacted by the development. (5-2)**

Conditions of Approval:

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 division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

XII. MANDATORY REFERRALS

- 29. 2004M-093U-13**
Map 148, Parcel 001-016
Subarea 13 (2003)
District 28 (Alexander)

A Council bill ordinance authorizing the Director of Public Property, or his designee, to accept and record an easement in favor of the Metropolitan Government for use in connection with development of the greenway system, located at the intersection of Richards Road and Antioch Pike, Marshall Karr, Trustee, property owner.

Staff Recommendation - Approve

APPLICANT REQUEST

A Council bill ordinance authorizing the Director of Public Property, or his designee, to accept and record an easement in favor of the Metropolitan Government for use in connection with development of the greenway system, located at the intersection of Richards Road and Antioch Pike, Marshall Karr, Trustee, property owner.

APPLICATION REQUIREMENTS - None.

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-417

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-093U-13 is **APPROVED. (9-0)**”

30. **2004M-109U-08**
Map 081-03, Parcel 008
Subarea 8 (2002)
District 2 (Isabel)

A Council bill approving and authorizing the Director of the of Public Property to execute a warranty deed and donation of a parcel of property from Joy R. Karr, requested by the Metro Finance Department, Real Property Division.

Staff Recommendation - Approve

APPLICANT REQUEST

A Council bill approving and authorizing the Director of the of Public Property to execute a warranty deed and donation of a parcel of property from Joy R. Karr, requested by the Metro Finance Department, Real Property Division.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Metro Historical Commission, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-418

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-109U-08 is **APPROVED. (9-0)**”

31. **2004M-110U-13**
Map 135-11, Parcel 042
Subarea 13 (2003)

District 29 (Wilhoite)

A request to name a 1600 foot private drive to "Nashboro Greens," requested by Metro Public Works.

Staff Recommendation - *Approve*

APPLICANT REQUEST- Request to name private drives to "Nashboro Greens," requested by Metro Public Works.

The homes in this portion of the Nashboro Village Planned Unit Development have been assigned Longhunter Court addresses, but are actually located on a series of private drives. Metro Council has the authority to name private streets that have not been accepted as public right-of-way "in order to provide better public services, particularly emergency services, to the residents of the metropolitan Nashville area." Metro Code §13.08.020.

After discussing this proposal with Councilmember Wilhoite, Public Works has proposed to name the private drive sections "Nashboro Greens," "Nashboro Greens Court," and "Nashboro Greens Way."

This street renaming is being proposed because it has caused confusion for emergency services and others when attempting to locate units in your development.

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

RECOMMENDATION- The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Stormwater, and NES.

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

Resolution No. RS2004-419

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-110U-13 is **APPROVED. (9-0)**"

32. **2004M-111G-12**
Map 173-09, Parcel 229
Subarea 12 (2004)
District 31 (Toler)

A request for aerial encroachment into Metro right of way at Lenox Road, approximately 250 feet east of Nolensville Pike for six awnings, proposed to encroach from 8.5 inches to 2 feet into the right of way, requested by Lenox Village I, LLC, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for aerial encroachment into Metro right of way at Lenox Road, approximately 250 feet east of Nolensville Pike for six awnings, proposed to encroach from 8.5 inches to 2 feet into the right of way.

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

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: NES, Metro Water Services, Stormwater, and Public Works.

Planning staff also recommends approval.

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

Resolution No. RS2004-420

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-111G-12 is **APPROVED. (9-0)**"

33. **2004M-112U-10**
Map117-14, Parcel 11-31, 104-113
Subarea 10 (1994)
District 25 (Shulman)

A request for easement acquisition for a sanitary sewer and water line easement abandonment and relocation at properties located along Abbott Martin Rd.-Crestmoor Rd., Metro Water Services Project No. 04-SL-91 & 04-WL-79, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST- A request for easement acquisition for a sanitary sewer and water line easement abandonment and relocation at properties located along Abbott Martin Road-Crestmoor Road, Metro Water Services Project No. 04-SL-91 & 04-WL-79, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None.

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-421

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-112U-10 is **APPROVED. (9-0)**”

34. **2004M-113U-11**
Map118-08, Parcel 132
Subarea 11 (1999)
District 17 (Greer)

A request for a Stormwater easement acquisition for a permanent drainage easement at 310 Newsome St., Metro Water Services Project No. 04-DL-0729, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST- A request for a Stormwater easement acquisition for a permanent drainage easement at 310 Newsome St., Metro Water Services Project No. 04-DL-0729, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None.

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-422

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-113U-11 is **APPROVED. (9-0)**”

35.

2004M-114U-13
Map 134, Parcel 149
Subarea 13 (2003)
District 28 (Alexander)

A request for a Stormwater easement acquisition for a permanent drainage easement at 3211 Franklin Limestone Rd., Metro Water Services Project No. 04-DL-0728, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for a Stormwater easement acquisition for a permanent drainage easement at 3211 Franklin Limestone Rd., Metro Water Services Project No. 04-DL-0728, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-423

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-114U-13 is **APPROVED. (9-0)**”

36.

2004M-115G-02
Map50, Parcel 15
Subarea 2 (1995)
District 3 (Hughes)

A request for an easement acquisition for a permanent storm drainage easement at 3438 Dickerson Pk., Metro Water Services Project No. 04-DL-0727, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement acquisition for a permanent storm drainage easement at 3438 Dickerson Pk., Metro Water Services Project No. 04-DL-0727, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-424

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-115G-02 is **APPROVED. (9-0)**”

37.

2004M-116U-11
Map133-5, Parcel 65
Subarea 11 (1999)
District 16 (McClendon)

A request for an easement acquisition for a permanent detention area at 485 Allied Dr., Metro Water Services Project No. 04-DL-0726, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement acquisition for a permanent detention area at 485 Allied Dr., Metro Water Services Project No. 04-DL-0726, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

NES has an overhead line easement in the area along the westerly boundary of Vulcan Drive Right-of-Way.

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-425

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-116U-11 is **APPROVED. (9-0)**”

38.

2004M-117G-06
Map 168, Parcel 152
Subarea 6 (2003)
District 35 (Tygard)

A request for an easement acquisition for a permanent drainage easement at 9770 Highway 96, Metro Water Services Project No. 04-DL-0725, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement acquisition for a permanent drainage easement at 9770 Highway 96, Metro Water Services Project No. 04-DL-0725, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-426

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-117G-06 is **APPROVED. (9-0)**”

39. **2004M-118U-07**
Map103-07, Parcel 61, 74, 75
Map103-10, Parcel 136
Subarea 7 (2000)
District 24 (Summers)

A request for an easement acquisition for Richland Creek/Charlotte Pike System Rehabilitation for permanent easements at 100 White Bridge Pk., Knob Rd. (unnumbered), 5401 Knob Rd., and 4601 Murphy Rd., Metro Water Services Project No. 93-SC-25P, requested by Metro Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST

A request for an easement acquisition for Richland Creek/Charlotte Pike System Rehabilitation for permanent easements at 100 White Bridge Pk., Knob Rd. (unnumbered), 5401 Knob Rd., and 4601 Murphy Rd., Metro Water Services Project No. 93-SC-25P, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-427

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-118U-07 is **APPROVED. (9-0)**”

40. **2004M-119U-11**
Map 105-03, Parcel 217
Subarea 11 (1999)
District 17 (Greer)

A request for an aerial encroachment to permit a wall-mounted 15-foot 6-inch awning, 7 feet above the ground, located at 415 Chestnut Street, by Letter Logic, applicant, for James S. Lewis, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for an aerial encroachment to permit a wall-mounted 15-foot 6-inch awning, 7 feet above the ground, located at 415 Chestnut Street, by Letter Logic, applicant, for James S. Lewis, owner.

The requested awning will extend no more than 2-feet into the right of way from the face of the building.

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

RECOMMENDATION- The following departments or agencies have reviewed this request and recommended approval: Metro Historical Commission, Metro Public Works, Water Services, Stormwater, and NES.

Planning staff also recommends approval.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-428

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-119U-11 is **APPROVED. (9-0)**”

41. **2004M-120U-09**
Map 093-02-3, Parcel 184
Subarea 9 (1997)
District 6 (Jameson)

A request for an aerial encroachment to permit two wall-mounted 200 square foot signs, 25 feet above the ground over Deaderick Street and Charlotte Avenue located at 350 Deaderick Street, by Joslin & Son Signs, applicant, for PSG CT Series, LLC, owner.

Staff Recommendation *Approve*

APPLICANT REQUEST-A request for an aerial encroachment to permit two wall-mounted 200 square foot signs, 25 feet above the ground over Deaderick Street and Charlotte Avenue located at 350 Deaderick Street, by Joslin & Son Signs, applicant, for PSG CT Series, LLC, owner.

The requested signs will extend approximately 10 feet into the right of way from the face of the building.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception. The plans for the sign have been reviewed by staff for the Metro Historical Commission because the proposal is located between two Metropolitan Development and Housing Authority (MDHA) redevelopment districts. Historical Commission staff is discussing the signs with the applicant and has informed Planning Staff that the Historical Commission has no recommendation for this application.

RECOMMENDATION- The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Stormwater, and NES.

Planning staff also recommends approval.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-429

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-120U-09 is **APPROVED. (9-0)**”

XIII. OTHER BUSINESS

42. Metropolitan Development Housing Agency Redevelopment Plans

Staff Recommendation - *Approve*

APPLICANT REQUEST- Approve changes to Capitol Mall Redevelopment Plan for Tract 74A (Ryman Auditorium parking lot site) and several tracts south of Broadway.

DETAILS - The Metropolitan Development and Housing Agency (MDHA) has proposed changes to two parts of the Capitol Mall Redevelopment Plan. The areas of the proposed changes are shown on the map accompanying this staff report.

The primary change to Tract 74A is to allow office uses as a principal use within that area. The primary changes for the tracts south of Broadway is to allow residential uses as a principal use and to add language referencing structures that did not exist when the plan was last amended. The specific changes proposed by MDHA are set out at the end of this staff report.

SUBAREA 9 PLAN

Central Business District (CBD) - The Central Business District is designed and intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. Although offices are the predominant type of development, the CBD contains a diverse array of land uses including residential, retail, entertainment, community facilities and government services.

Tract 74A was identified in the Plan as a potential urban development site. “The overriding planning theme for Subarea 9 is to reinforce the downtown core district. . . . The intensification of activities in the central core should continue to be pursued as a valid goal. . . . Although the central core is intensely developed, opportunities still exist for appropriate infill development.”

The tracts south of Broadway also are within the CBD. According to the Subarea 9 Plan, “[f]uture development south of Broadway should compliment and reinforce activities in the central core.”

Policy Conflict - None. The proposed changes to the Capitol Mall Redevelopment District do not affect the zoning on the property. In addition, the proposed changes are consistent with the goals of the Subarea 9 Plan.

MDHA Proposed Plan Language for Tract 74A

Intent: To develop existing surface parking on the block for any of a variety of high intensity uses and to preserve and enhance the historic structures on Lower Broadway and the Ryman Auditorium .

Principal Uses: Entertainment, commercial/retail, residential, office, parking, museums, and public spaces.

Design Objectives: The Ryman Auditorium should be renovated as a museum or other appropriate use and be incorporated into the development of this block, which will include public park, plaza or pedestrian mall space. The development is envisaged to consist of a mixture of low-rise buildings, ranging up to twelve stories, all carefully integrated with tower developments, which may range up to twenty-three stories. The tallest structures shall be built on Commerce Street with the scale diminishing toward Broadway. The scale of structures on the block should diminish from Commerce Street, where high-rise structures may be appropriate, to Lower Broadway. New construction on the existing parking lot north of the Ryman Auditorium should be designed to foster pedestrian traffic along the adjacent streets and should not unduly diminish the character of the Ryman Auditorium or the visibility of the Ryman’s west façade. Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. In addition to preserving the Ryman Auditorium, historically significant buildings on Broadway will be preserved and integrated into the development and any deteriorating facades will be repaired and upgraded. New construction located immediately behind the buildings fronting on Broadway or on Broadway itself will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District, but any new structures should not imitate past architectural styles. Care should be taken in the design of new development on this block to promote the economic revitalization of the Broadway Historic District.

Vehicle Access: Not restricted.

MDHA Proposed Plan Language for Tracts 91A, 94A, 95A, 96A, 97A, 98A, 99A, and 100A (south of Broadway)

Intent: To provide land for a variety of new high intensity uses compatible with existing civic and cultural facilities located south of Broadway, including the Gaylord Entertainment Center, Country Music Hall of Fame and Museum, and Schermerhorn Symphony Center.

Principal Use: Arts and entertainment, office, retail, hotel, residential, structured parking, civic facilities, and public spaces.

Design Objectives: The redevelopment of these blocks should be planned and designed to accommodate high intensity development supportive of a strong pedestrian environment in the area south of Broadway. The scale and orientation of new development south of Broadway should emphasize the importance of Demonbreun Street, 5th Avenue, and any future extension of Gateway Boulevard as primary streets in the area.

Vehicle Access: Not restricted, except for new development located on any future extension of Gateway Boulevard from which access will be restricted.

Approved (9-0), *Consent Agenda*

Resolution No. RS2004-430

“BE IT RESOLVED by The Metropolitan Planning Commission that

43. Employee Contract Renewal for Brad Thompson

Approved (9-0), *Consent Agenda*

44. Contract for consulting services

The Metropolitan Planning Commission WITHDREW a contract for consulting services at the request of the applicant. (9-0)

45. **2004Z-021T**
Council Bill BL2004-409

A Council bill to amend Section 17.40.740 to provide for the waiver of application fees for certain zoning applications initiated by Members of Council.

Staff Recommendation - Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.

APPLICANT REQUEST- A Council bill to amend Section 17.40.740 to provide for the waiver of application fees for certain zoning applications initiated by Members of Council.

APPLICATION DETAILS - Section 17.40.740 B. provides that fees for processing zoning applications “shall be waived . . . [for] any large area rezonings initiated by the planning commission or metropolitan council to implement the general plan.” The proposed ordinance would delete this subsection and replace it with a section that states: “Any rezoning of fifty or more parcels initiated by the planning commission to implement the general plan.”

In addition, the proposed ordinance would add a new subsection C, which would require waiver of fees for:

“Any rezoning request of fifty or more parcels initiated by a member or members of council for the purpose of rezoning the property to an “RS” district, or for the purpose of applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36.”

It was mentioned that this item will be heard again on Thursday, December 9, 2004.

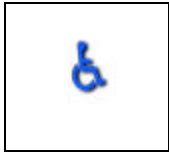
The Metropolitan Planning Commission DEFERRED 2004Z-139G-12 to the December 9, 2004 meeting (public hearing will remain open). (7-0)

45. Executive Director Reports

46. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 8:03 p.m.



Chairman

Secretary