



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission  
November 13, 2003  
\*\*\*\*\***

**PLANNING COMMISSION:**

James Lawson, Chairman  
Doug Small, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Ann Nielson  
Victor Tyler  
James McLean  
Councilmember J. B. Loring  
Joe Sweat, representing Mayor Bill Purcell

**Staff Present:**

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

**I. CALL TO ORDER**

The meeting was called to order at 4:07 p.m.

**II. ADOPTION OF AGENDA**

Ms. Hammond announced that the agenda contained the following corrections:

An addendum to the Consent Agenda under Other Business Item #56 - Request to Approve Active Living By Design Grant from Robert Wood Johnson Foundation.

Item #27 – 2002-128G-12 – Case No. should be 2003S-128G-12

Item #33 – 36-76-G-14 – Belle Acres Council District No. should be District 15 (Loring)

Item #44 – 2003M-118U-09 – Council District No. should be District 6 (Jameson)

Mr. Small moved and Mr. McLean seconded the motion to approve the adoption of the agenda. **Approved, (8-0)**

Ann Nielson arrived at 4:09

**III. APPROVAL OF OCTOBER 23, 2003 MINUTES**

Mr. McLean moved and Mr. Sweat seconded the motion to approve the minutes of October 23, 2003. **Approved, (9-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Adam Dread spoke in support of Items #9 – 2003Z-118U-07 and #10 – 2003P-010U-07.  
Councilmember Chris Whitson spoke in support of Items #9 – 2003Z-118U-07 and #10 – 2003P-010U-07.  
Councilmember Mike Jameson spoke in favor of Items #3 – 2003Z-129U-05 and #14 – 2003P-017U-05.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

3. 2002S-229G-14 & 2002S-340G-14 Windstar Estates, Revise Preliminary and Section 1 Final – Deferred to Dec. 11, 2003
4. 2003M-093U-12 Abandon Right-of-Way at End of Trousdale Drive – Deferred to Dec.11, 2003
11. 2003Z-126G-06 Route 5 Highway 100, RS40 to OL – Deferred to Dec. 11, 2003
12. 2003Z-127G-06 Route 5 Highway 100, RS40 to CL – Deferred to Dec. 11, 2003
19. 2003Z-135U-13 Franklin Limestone Road (unnumbered), AR2a to RM6 – Deferred to Dec. 11, 2003
37. 94P-025G-06 Highway 70 South Joint Venture (Residential portion) – Deferred Indefinitely

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

Ms. Cummings arrived at 4:15 p.m.

Mr. Lawson explained the consent agenda procedure to the audience.

**VI. PUBLIC HEARING: CONSENT AGENDA**

**MANDATORY REFERRALS**

5. 2003M-114U-10 Awning Encroachment at 1517, 1519, and 1521 Dallas Avenue - Approve

**PUBLIC HEARING: ZONING MAP AMENDMENTS**

6. 2003Z-014T Restaurant Text Amendment - Approve
16. 2003Z-132G-06 Hwy. 100 (unnumbered), RS40 to RM4 - Approve with conditions
20. 2003Z-136U-05 1041, 1043 & 1045 W. Greenwood Ave., 1213, 1215 & 1217 Bailey St. 1208, 1214, 1216 & 1220 Gallatin Ave., CS & R6 to CL - Approve
21. 2003P-019U-05 McKennie Neighborhood Market Prel. PUD, W. of Gallatin Rd. - Approve with conditions
22. 2003Z-137U-14 3005 Fernbrook Ln., R15 to RM2 - Approve

**PRELIMINARY SUBDIVISION PLATS**

26. 2002S-300G-14 Towering Oaks, N. of Stewarts Ferry Pk. - Approve with conditions
28. 2003S-136G-12 Second Addition to Sugar Valley Revision, E. of Sugarplum Rd. - Approve
29. 2003S-275G-10 Maryland Commons, Resub. Of Lot A, Maryland Farms, Resub. of Lot 2, S. of Old Hickory Blvd. - Approve with conditions

**FINAL PLATS**

30. 2003S-249G-14 Brandywine Farms, Resub. of Lot 294, terminus of Cherry Branch Ln. - Approve
31. 2003S-278U-10 Glenn Monroe Property, Resub. Of Reserved Parcel, E. of 32<sup>nd</sup> Ave. S. - Approve

**PLANNED UNIT DEVELOPMENTS (revisions)**

32. 135-78-G-14 Sullivan Commercial Center, E. of Andrew Jackson Pkwy. - Approve with conditions
33. 36-76-G-14 Belle Acres, Second 2, Phase 3, N. of Lebanon Pk. - Approve with conditions
36. 88P-068G-13 Nashville Square Commercial, E. of Murfreesboro Pk. At Brooksboro Pl. - Approve with conditions

38. 98P-007U-12 Seven Springs, N. of Old Hickory Blvd. - Approve with conditions
39. 2003P-015U-05 Sam Levy Homes, Meridian St. and Foster St. - Approve
40. 2003P-016U-08 The Home Plate Sports Bar, SE corner of Clay St. & 9<sup>th</sup> Ave. N. - Approve with conditions
41. 2003P-018U-05 Beyond the Edge PUD, 112 S. 11<sup>th</sup> St.- Approve with conditions

#### **MANDATORY REFERRALS**

42. 2003M-116U-14 Name Alley #2090 & part of Alley #2089 to Spring Valley Ln. - Approve
43. 2003M-117U-08 Awning Encroachment at 1200 5<sup>th</sup> Avenue North - Approve
44. 2003M-118U-09 Lease Agreement - Approve
45. 2003M-121U-00 2003 Street and Alley Maps - Approve

#### **OTHER BUSINESS**

48. Request to approve contract for services for CNU Transportation Symposium - Approve
49. Adopt Metro Planning Commission Meeting Schedule for 2004 - Approve
50. Request to approve Harding/White Bridge Consultant Contract: A request to approve the Contract for Transportation Consultant Services as part of the Harding/White Bridge Detailed Neighborhood Design Plan and to approve the acceptance of private funds to fund the study - Approve
51. Request to approve contract between the MPC (for the MPO) and GNRC for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the City of Goodlettsville and for the Southern and Southeastern planning corridors, which include Williamson County, the City of Brentwood, the City of Fairview, the Town of Smyrna, and the Town of Spring Hill - Approve
52. Request to approve contract between the MPC (for the MPO) and Hendersonville for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the Northeast Corridor, also known as Sumner County, and including the MPO jurisdictions of Sumner County, and the cities of Gallatin, Hendersonville, Millersville, Portland, Springfield and White House - Approve
53. Request to approve contract between the MPC (for the MPO) and Lebanon for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the East Corridor, also known as Wilson County, and including the MPO jurisdictions of Wilson County, the City of Lebanon, and the City of Mt. Juliet - Approve

Ms. Nielson moved, and Mr. McLean seconded the motion, to approve the adoption of the Consent Agenda.  
**Approved, (10-0)**

#### **VII. PUBLIC HEARING: A REQUEST TO AMEND THE SUBAREA 7 PLAN: 1999 UPDATE**

**Staff Recommendation** - *Approve*

**REQUEST** - Amend the Subarea 7 Plan: 1999 Update.

**Background** - Staff has received a request to amend the Subarea 7 Plan: 1999 Update. The amendment is associated with Zone Change 2003Z-118U-07, which is also on this agenda. The amendment request covers 6.18 acres of residentially developed land located at the corner of Page Road and Forrest Park Drive, adjacent to Percy Warner Park and near Cheekwood. The amendment request is to go from Residential Low Density (RL) policy, which supports densities of 0-2 dwelling units per acre, to Residential Medium Density (RM) policy, which supports densities of 4-9 dwelling units per acre. The area in question involves 6.18 acres and is currently occupied by a 29-unit apartment complex, two duplexes, and two single-family homes. One of the parcels (parcel 5) is vacant. The applicant proposes to replace the existing housing on the site with 34 single-family homes.

Staff believes that the amendment is warranted. Medium density and low density residential development have coexisted compatibly in this location for many years. The applicant is proposing to replace housing that does not conform to the current land use policy with virtually the same number of units. The proposed development would bring new investment to the area that is of the same housing type as most of the other housing in the neighborhood. There are design policies written into the plan amendment that will further help to ensure compatibility between the low and medium density residential development in the neighborhood.

A community meeting was held on October 14 to gauge community support for the plan amendment and proposed development. It was attended by approximately 40 people, most of whom were in support of the proposal. There were a few concerns expressed, mainly about stormwater runoff and some of the design aspects of the development, such as setbacks, building orientation, and trees. Those concerns have been addressed in the policy language of the amendment.

The plan amendment is attached for reference.

#### **AMENDMENT NO. 1 TO THE SUBAREA 7 PLAN: 1999 UPDATE**

The *Subarea 7 Plan: 1999 Update* is amended as follows:

- a) by changing the graphic on page 23 to reflect the changed boundaries of Area 3B and the addition of Area 5F, as showed on the attached Figure 1
- b) by inserting the following italicized language into the first sentence of the first paragraph on page 24 of Section 3.42 so that the sentence reads as follows:  
“Area 3B is a triangular shaped area bounded on the east by the City of Belle Meade, on the south by Percy Warner Park *and property lines*, and on the west mostly by the CSX railroad.”
- c) by changing the first sentence of the third paragraph of the second column on page 29 to read as follows:  
“RM policy applies to 6 areas within Subarea 7 (Areas 5A-5F).”
- d) by inserting the following language after the description of Area 5E that ends on page 35:  
“Area 5F is located adjacent to Percy Warner Park near Cheekwood. This small area is surrounded by Residential Low Density Area 3B and Percy Warner Park, and the intent for the area is for development to be at the low end of the density range for RM policy in order to help ensure compatibility with its surroundings. This area has contained medium density development for many years and the application of RM policy here is a continuation of that pattern.”

In order to ensure the compatibility of development in this area with the surrounding neighborhood, the following design policies apply:

- Buildings should be oriented to face the existing streets fronting the development (Page Road, Forrest Park Drive, and Maybelle Lane);
- The setbacks along Maybelle Lane and Page Road should be compatible with the setbacks along other streets in the neighborhood;
- Existing trees on the site should be preserved to the greatest extent possible;
- The existing character of the streetscape along Forrest Park Drive should be preserved.

General Boundaries: Area 5F is bounded to the east by Page Road, to the south by Forrest Park Drive, to the west by Maybelle Lane, and to the north by property lines south of Clydelan Court.”

- e) by inserting the graphic shown on the attached Figure 2 adjacent to the inserted text regarding Area 5F on page 35
- f) by changing Map 2-1, Land Use Policy Plan, as shown on the attached Figure 3 so as to correctly illustrate Amendment 1.

Figure 1

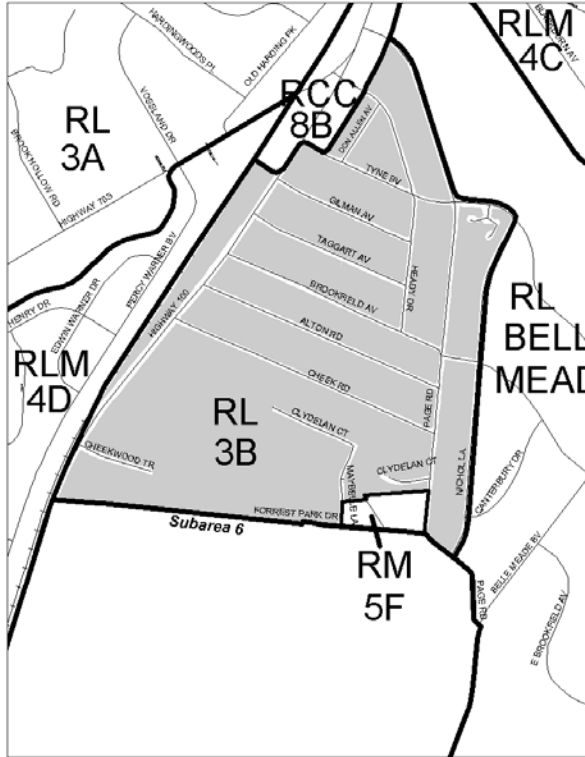


Figure 2

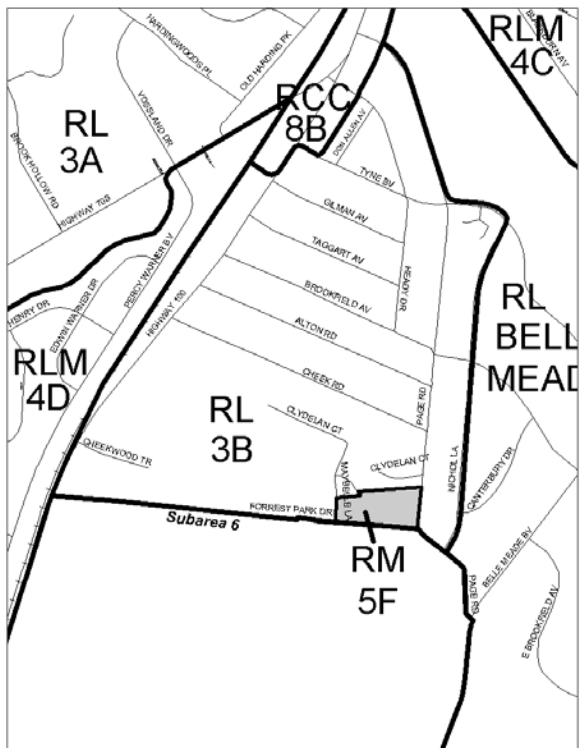
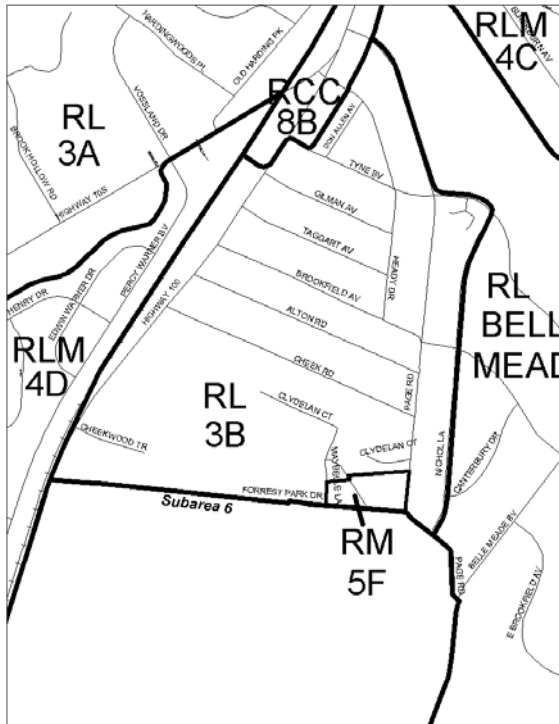


Figure 3



Ms. Cynthia Wood presented and stated that staff is recommending approval of this amendment. Ms. Wood stated that this amendment is associated with two other items that are on the agenda. They are Items #9-2003Z-118U-07 and #10-2003P-010U-07.

Mr. Lawson asked for clarification regarding the trees and their preservation involved in this project.

Ms. Wood stated that the Urban Forrester will be responsible for decisions regarding the tree density and their preservation.

Mr. Bill Cherry, 138 Alton Road, President of the Neighborhood Association, spoke in favor of the project due to the enhancements it would offer to the area.

Mr. Tim Petrikin, 1233 Nichol Lane, spoke in favor of the project.

Ms. Susan Michael, resident 106 Clydelan Ct., spoke in favor of this project.

Ms. Lillian Gilmer, 205 Page Road, spoke in favor of the project.

Mr. John Callighan, 116 Clydelan Court, spoke in opposition of this project.

Ms. Mary Raby, 210 Maybelle Lane, spoke in opposition of the project.

Ms. Gwendolyn Blanton, 425 Page Road, requested that the 300-year-old oak tree that is located on this property be preserved.

A resident at 415 Page Road, expressed concerns regarding drainage issues that would be involved with this proposal.

Mr. Jeff Heinz, Little Johns Engineering, spoke in favor of the development.

Mr. Frank Gertner, Management of the Apartments, spoke in favor of the project.

Mr. Harris Gilbert, representing the owner of the apartments, spoke in favor of the project.

Mr. Scott Kendall, Developer, spoke in favor of the project.

Mr. Sweat asked for clarification on the set-back lines and its relation to the proposed project and amendment.

Mr. Clifton stated that this amendment will assist in bringing property from non-conforming to conforming.

Mr. Sweat moved and Councilmember Loring seconded the motion to approve the request to amend the Subarea 7 Plan, 1999 Update. **Approved, (10-0)**

**Resolution No. 2003 –379**

“BE IT RESOLVED by the Metropolitan Planning Commission that the amendment to the Subarea 7 Plan, 1999 Update is **APPROVED. (10-0)**”

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

1. **2003Z-109G-04**  
Map 34-13, Parcel 57  
Subarea 4 (1998)  
District 10 (Ryman)

A request to change from RS7.5 and IWD districts to RM6 district property located at Edgemoade Boulevard (unnumbered), approximately 160 feet west of the western terminus of Aurora Avenue (2.01 acres), requested by William G. Cole, Jr., owner. (Deferred from meeting of September 11, 2003).

**Staff Recommendation** - *Approve*. This was deferred from the September 11, 2003, meeting.

**APPLICANT REQUEST** - Rezone 2.01 acres from industrial warehousing/ distribution (IWD) and residential single-family (RS7.5) to residential multi-family (RM6) district property at Edgemoade Boulevard (unnumbered).

**Existing Zoning**

**IWD district** - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

**RS7.5 district** - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. This would total 10 lots on this site.

**Proposed Zoning**

**RM6 district** - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. This would total 12 units on this site.

**SUBAREA 4 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** - The proposed RM6 district is consistent with the RM policy outlined in the subarea plan and surrounding density. This property would serve as a transition between the commercial services (CS) zoning district along Gallatin Pike and the residential single-family (RS7.5) zoning district along Edgemoade Boulevard. The proposed zoning district is also consistent with the existing multi-family units on the adjacent property to the east.

The site is constrained by TVA lines and floodplain. Any proposed units will have to be clustered to the south part of the site.

**RECENT REZONINGS** - Yes. This property was rezoned from R8 to RS7.5 with the county-wide zoning update in 1998.

**TRAFFIC** - Based on the trip generation numbers for residential multi-family (RM6), this proposal will generate approximately 80 daily trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works' Recommendation** - "No Exception Taken."

**SCHOOLS**     1 **Elementary**     1 **Middle**     1 **High**

**Schools Over/Under Capacity** - Students would attend Amqui Elementary, Brick Church Middle School and Hunters Lane High School. Amqui and Brick Church have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

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

Councilmember Ryman stated that he held a neighborhood meeting regarding this proposal and the general consensus was to disapprove this proposal. Concerns included overcrowding of already overcrowded schools, and the additional traffic congestion at the intersection of Edgemoade and Gallatin Road

Mr. W.G. Cole, property owner, spoke in favor of this project. He would like to develop this property with multi-family dwellings.

Ms. Joanne Powers, 341 Dinwiddie Drive, spoke in opposition to the project due to traffic congestion, the floodplain and the sewer system.

Ms. Gail Pitman, 214 Edgemoade Drive, spoke in opposition to the project due to the traffic issues.

Ms. Fran Page, 201 Edgemoade Drive, spoke in opposition to the project.

Councilmember Loring stated that he is in agreement with Councilmember Ryman and the citizens who are against the project.

Mr. Small stated that the land use is appropriate with policy and that the addition of only two units should not really affect the traffic and enrollment at the schools.

Ms. Nielson also stated that policy, which was adopted by the Commission, does allow this project.

Mr. McLean expressed concerns regarding the proposal at the Metro Council level.

Mr. Clifton stated that from the planning perspective, there is no reason to disapprove this proposal.

Ms. Cummings stated that the project is an appropriate use of land.

Mr. Sweat stated that he was in agreement with the residents who were in opposition.

Mr. Lawson stated that the proposal is in accordance with the land use policy.

Mr. Nielson and Mr. Clifton adopted staff recommendation.

Ms. Nielson moved, and Mr. Clifton seconded the motion, to approve staff recommendation and to include the issues and concerns expressed at the Public Hearing. Approved (7-3) – Tyler, Cummings, Clifton, Nielson, Small, Jones, Lawson – Ayes; No Votes – Sweat, Loring, McLean



“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2003Z-109G-04 is **APPROVED.**  
(7-3)

The proposed RM6 district is consistent with the intent of the Subarea 4 Plan’s Residential Medium (RM) policy calling for residential development within a density range of four to nine dwelling units per acre. The RM6 district would serve as a transition between the commercial service (CS) zoning district along Gallatin Pike and the residential single-family (RS7.5) zoning district along Edgemoade Boulevard. The proposed zoning district is also consistent with the existing multi-family units on the adjacent property to the east.”

- 2. 2003Z-124U-11**  
Map 119-01, Parcel 220  
Subarea 11 (1999)  
District 16 (McClendon)

A request to change from R6 district to MUN district property at 2200 Fox Avenue, at the southwest corner of Fox Avenue and Glenrose Avenue (0.20 acres), requested by Andrew John Shelton, owner. (Deferred from meeting of October 23, 2003).

**Staff Recommendation - Approve**

**APPLICANT REQUEST** -Rezone 0.20 acres from residential (R6) to mixed use neighborhood (MUN) district property at 2200 Fox Avenue, at the southwest corner of Fox Avenue and Glenrose Avenue.

**Existing Zoning**

**R6 district** - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre, including 25% duplex lots.

**Proposed Zoning**

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

**SUBAREA 11 PLAN POLICY**

**Mixed Use (MU)** - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Policy Conflict** - The proposed MUN district is consistent with the Subarea 11 Plan’s MU policy for this area. An adjacent property is commercial services (CS) and property located to the east of this property is commercial. This mixed use zoning district will blend with the character along Glenrose Avenue.

**RECENT REZONINGS** - No

**TRAFFIC** - Based on the trip generation numbers for mixed use neighborhood (MUN), this proposal will generate approximately 35 to 296 daily trips ranging from residential, office, and retail uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works’ Recommendations**

Current zoning - R6, Peak Adj. Traffic (Code 210, Single Family Home)

AM trips = 1 PM trips = 1

Proposed zoning - MUN, Peak Adj. Traffic (Code 833, Fast Food without Drive Thru Window)

AM trips = 229 PM trips = 137

This zone change covers a very small acreage.

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

**SCHOOLS**     1 Elementary   1 Middle     ≤1 High

**Schools Over/Under Capacity** - Students would attend Whitsitt Elementary, Cameron Middle School and Glenclyff High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 5, 2003.

\*The numbers for MUN zoning are based upon students that would be generated if the MUN zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

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

Ms. Kathy Dodd, Woodbine Community Organization, spoke in opposition to this proposal.

Mr. Drew Shelton, 2200 Fox Avenue, spoke in favor of this project. He stated that he has petitioned his neighbors and has received signatures from the majority.

Ms. Mary Locke McDonald, 2204 Fox Avenue, presented a petition with signatures opposing the project.

Councilmember McClendon expressed concerns regarding the approval of a MUN in a residential area and stated that there were many in opposition to this proposal.

Ms. Debra Shelton, 2200 Fox Avenue, was in support of the proposed rezoning.

Mr. Sweat expressed concerns regarding implementing mixed-use zoning in a residential area.

Mr. Tyler asked for clarification on the current uses of the property surrounding the proposed development.

Ms. Cummings expressed concerns regarding the mixed-use zoning currently located in the area and stated was opposed to this rezoning.

Mr. Clifton asked for clarification on the allowed uses on the proposed zoning. He stated that this is a unique situation, although it does not warrant rezoning.

Mr. Small moved, and Councilmember Loring seconded the motion, to disapprove Zone Change No. 2003Z-124U-11. Disapproved, **(10-0)**

**Resolution No. 2003 –381**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2003Z-124U-11 is **DISAPPROVED. (10-0)**

Although the proposed MUN district is consistent with the intent of the Subarea 11 Plan’s Mixed Use (MU) policy calling for a mixture of residential, retail, and office uses, this zone change would be premature based on the stable residential neighborhood along Fox Avenue. If commercial uses are introduced into the neighborhood at this time, they could destabilize this existing neighborhood. “

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**PRELIMINARY SUBDIVISION PLATS**

- 3. 2002S-229G-14**  
Windstar Estates, Revise Preliminary and Section 1 Final

Map 43, Parcels 7 and 8  
Subarea 14 (1996)  
District 11 (Brown)

A request for revised preliminary and final plat approval to create 84 lots and final approval for 47 lots in Phase One, abutting the southwest margin of Swinging Bridge Road and the northwest corner of Warren Drive and Keeton Avenue, (77.84 acres), classified within the R10 and R15 districts, requested by Charlie Rhoten, owner/developer, Burns and Associates, Inc., surveyor. (Deferred from meeting of October 23, 2003).

**The Metropolitan Planning Commission deferred Mandatory Referral No. 2002S-229G-14 to the December 11, 2003, meeting at the applicant's request. (10-0)**

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## **MANDATORY REFERRALS**

4.     **2003M-093U-12**  
Abandon Right-of-Way at End of Trousdale Drive  
Map 160, Parcel 93  
Subarea 12 (1997)  
District 31 (Toler)

A request to abandon right-of-way for an unimproved portion of Trousdale Drive, located on the north margin of Hill Road, requested by Lyman H. Hines, property owner. (Deferred from meeting of October 23, 2003).

**The Metropolitan Planning Commission deferred Mandatory Referral No. 2003M-093U-12 to the December 11, 2003, meeting at the applicant's request. (10-0)**

5.     **2003M-114U-10**  
Awning Encroachment at 1517, 1519, and 1521 Dallas Avenue  
Map 117-04, Parcel 179  
Subarea 10 (1994)  
District 18 (Hausser)

A request for an awning encroachment located at 1517, 1519, and 1521 Dallas Avenue, at the southeast corner of Dallas Avenue and Belmont Boulevard, requested by the Max Pollack, Wayside Construction Company. (Deferred from meeting of October 23, 2003).

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST** - A request for an awning encroachment located at 1517, 1519, and 1521 Dallas Avenue (Map 117-04, Parcel 179), at the southeast corner of Dallas Avenue and Belmont Boulevard, requested by the Max Pollack, Wayside Construction Company.

### **APPLICATION REQUIREMENTS**

**License to Encroach Agreement** - Yes, one was submitted

**Insurance Certificate** - Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$1,000,000 for aggregate coverage.

**Property Owner Sign Application** - Yes

**Tenant Sign Application** - No

### **DEPARTMENT AND AGENCY COMMENTS**

**Planning** - Prior to receiving Planning Commission approval, the License Agreement must be revised so that the owners are the only entity indemnifying Metro Government. Staff recommends approval of this item.

**Public Works** - This item is recommended for approval by Metro Public Works.

**Water Services** - This department has no objection to the awning encroachment at the SE corner of Dallas Avenue, however, should we need to make repairs to the 8” sewer main or 6” water main under the SE corner of the building the awning will be removed at the owners expense.

**CONDITIONS**

1. A corrected License Agreement must be submitted to the Planning Department prior to receiving Planning Commission approval. This condition was complied with by the applicant prior to the Planning Commission meeting.

**Approved (10-0), Consent Agenda**

**Resolution No. 2003 –382**

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-114U-10 is **APPROVED. (10-0)**”

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

**6. 2003Z-014T**

A request to amend Section 17.08.030 (District Land Use Tables) of the Zoning Code to remove Restaurant, fast-food, as a permitted use in the MUN zoning district and to amend Section 17.16.070 J (Permitted with Conditions) of the Zoning Code for Permitted with Condition uses to require in the MUN district, a Restaurant, take-out, to be located within a permanent, enclosed structure. requested by Councilmember Amanda McClendon.

**Staff Recommendation** - *Approve*

**REQUEST** -Change the text of the Zoning Ordinance to remove fast-food restaurants as a permitted use in the MUN zoning district and to require take-out restaurants in the MUN district to be located within a permanent, enclosed structure.

**ANALYSIS** - Existing Code - The Zoning Code establishes three different types of restaurant uses: full-service, take-out and fast-food. Each of these three uses are allowed in the MUN district as Permitted with Conditions (PC). The sole condition listed in 17.16.070 J. of the Code is that any restaurant in the MUN must be less than 5,000 square feet in gross floor area.

The three restaurant land uses are defined as follows:

**"Restaurant, fast-food"** means any building, room, space or portion thereof where food is sold for consumption on-site or off-site within a short period of time, orders are made at either a walk-up or counter, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

**"Restaurant, full-service"** means any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of thirty minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental or occasional take-out sales.

**"Restaurant, take-out"** means any building, room, space or portion thereof where a limited variety of food or beverages are sold principally for off-site consumption, but which may include incidental seating for on-site consumption containing no more than twenty seats. Typical uses include bakeries, candy, nut, and confectionery stores, coffee houses, ice cream and frozen dessert stores, small delicatessens and similar establishments.

**Proposed Text Amendment** - The proposed text amendment, if adopted by Metro Council, would delete “Restaurant, fast-food” as a PC use in the MUN district. The amendment would further add a condition for the

“Restaurant, take-out” use in the MUN district to require such uses to be located within a permanent, enclosed structure.

Recommendation Staff recommends approval of the proposed amendment. The MUN district is intended for low-intensity residential, retail and office uses within a pedestrian-oriented streetscape. Fast-food restaurants typically include a drive-through window and cater to high volumes of vehicular traffic, which is not consistent with the pattern of development intended in the MUN district.

The second part of the amendment addresses take-out restaurants. The intent of the amendment is to prevent the use of trailers and other temporary facilities for the sale of “take-out” food in the MUN district. Such temporary facilities are not consistent with the neighborhood setting that is intended for applications of the MUN district.

**Actual Text** - The specific changes to the Zoning Code are listed below:

*Section 1. By amending Section 17.08.030 (District Land Use Tables) to remove Restaurant, fast-food, as a permitted use in the MUN zoning district.*

*Section 2. By deleting Section 17.16.070 J. and replacing it with the following:*

*“J. Restaurant, fast-food/Restaurant, full-service/Restaurant, take-out.*

- 1. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.*
- 2. In the MUN district, a Restaurant, take-out, must be located within a permanent, enclosed structure.”*

**Approved (10-0), Consent Agenda**

**Resolution No. 2003 –383**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Text Amendment 2003Z-014T is **APPROVED (10-0).**”

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- 7. 2003Z-111G-14**  
Map 86, Parcel 59  
Subarea 14 (1996)  
District 12 (Gotto)

A request to change from RS15 district to CS district property located at 4060 Andrew Jackson Parkway, abutting the southwest corner of Andrew Jackson Parkway and Old Lebanon Dirt Road (8.13 acres), requested by Thomas H. Pierce, applicant, for Charles Smith, owner. (See PUD Proposal No. 8-86-P-14 on page 4).

*[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-111G-14, and PUD Proposal 8-86-P-14 were heard on Public Hearing and discussed by the Commission together.]*

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- 8. 8-86-P-14**  
A+ Storage – Hermitage  
Map 86, Parcel 59  
Subarea 14 (1996)  
District 12 (Gotto)

A request to amend the undeveloped Planned Unit Development located abutting the west margin of Andrew Jackson Parkway, south of Old Lebanon Dirt Road, classified RS15 and proposed for CS, (8.13 acres), approved for a 39 unit townhome development and proposed for a 95,625 square foot mini-storage facility, requested by Dale and Associates for Tommy Pierce, optionee. (See Zone Change Proposal No. 2003Z-111G-14 on page 3).

**Staff Recommendation** - *Disapprove*. CS is more intense than what the Subarea 14 Plan calls for in this area.

**APPLICANT REQUEST** - Rezone 8.13 acres from residential single-family (RS15) to commercial service (CS) at 4060 Andrew Jackson Parkway.

**Existing Zoning**

**RS15 district/Res. PUD - RS15** requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The existing PUD is approved for a 39 unit townhome development. This plan was approved in 1986.

**Proposed Zoning**

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

**SUBAREA 14 PLAN POLICY**

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

The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern.

**Policy Conflict** - Yes. The proposed zoning district (CS) is not consistent with the policy for this area. Expansion of the policy is appropriate only to maintain the viability of existing businesses. The proposed zoning increases the intensity of commercial uses and does not stabilize the current condition or prevent additional expansion along Andrew Jackson Parkway.

**RECENT REZONINGS** - Yes. Property across from the site was rezoned in 1998 with the overall zoning update for the county from Commercial PUD to Commercial Limited base zoning and Commercial PUD overlay.

**TRAFFIC** - Based on the trip generation numbers for commercial services (CS), this proposal will generate approximately 827 to 8,642 daily trips ranging from warehouse and specialty retail center uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

The original application for rezoning was accompanied by a PUD cancellation request. Public Works was requiring a Traffic Impact Study with that request. When the applicant decided to change their request to a PUD amendment, however, Public Works indicated that, no TIS would be required.

**Public Works' Recommendations** - A TIS was not submitted, however, an amendment to the PUD was submitted. The amendment is on this agenda to change the use from 39 residential units to a self-storage facility. Therefore, no TIS is required since an amendment to PUD has been submitted guaranteeing a use that has less trips than the existing use could generate.

Ms. Harris presented and stated that staff is recommending disapproval of the zone change – CS is more intense than what the Suparea 14 Plan calls for in this area. Staff is also recommending disapproval of the PUD – this use would require a zone change that is not consistent with the Policy.

Councilmember Gotto stated that the amendment to this PUD would house a mini storage facility that he felt is appropriate for the area and would not cause any traffic issues. He stated that he spoke to residents on Old Lebanon Dirt Road and did not receive any objections to the proposal.

Mr. Tommy Pierce, 1133 Hwy 70, General Partner of A+ Storage of Tennessee, addressed the issues the Planning Department presented to the Commission for reason of disapproval.

Mr. Kevin Estes, Engineer, spoke in favor of this project.

Mr. Charles Smith, property owner, spoke in favor of the project.

Mr. Lawson expressed concerns regarding the zoning that is being proposed just to allow for an intended use and its relation to policy.

Mr. Tyler asked for explanation on the latest sub area plan updates that affected this area.

Ms. Hammond stated that this sub area plan is currently being updated and the character of this particular area is expected to change rather dramatically due to the proximity of the commuter rail station. She stated that this project will dominate future talks regarding the changes proposed for this area.

Mr. Tyler expressed concerns regarding the intersection in question and the traffic issues associated with it.

Ms. Cummings commented on the fact that the facility would not really generate additional traffic and it certainly would not increase the number of residents.

The Commission members discussed this proposal and its relation to the existing policy and general plan.

Mr. Fox stated that the Commission should support the general plan which would recommend disapproval of this proposal.

Ms. Harris stated that the final review for this area should be completed by January.

Mr. Lawson suggested that maybe this item should be deferred.

Mr. Clifton asked for clarification on the CS Zoning and its future uses in the PUD, if the Commission were to approve the proposal.

Mr. Bernhardt stated that if it the proposal was approved and in the future, there would be another use for the area, the process to rezone would have to be brought before the Commission.

Mr. Clifton requested clarification on this application and its presence at the Council level and whether it could be approved without a recommendation from the Planning Commission.

Mr. Bernhardt stated that the PUD has to have approval from the Planning Commission before it can pass a 1<sup>st</sup> reading at the Council.

The Commission asked whether a deferral of this proposal was an option with the Councilmember and the applicant.

Both Councilmember Gotto and the applicant asked that this item not be deferred.

Councilmember Loring offered that the federal money for the commuter rail project is here and he stated that the proposed storage facility for this area would be appropriate.

Mr. Lawson asked that the item be deferred to the December meeting so that the Commission could obtain additional information regarding the affect of policy conflict if they were to approve this proposal.

Mr. Small agreed with Mr. Lawson regarding the sub area plan and how it is related to this project.

Ms. Cummings moved and Ms. Nielson seconded the motion to defer any action on this zone change and the PUD application until the December 11<sup>th</sup> meeting. **Deferred to Dec. 11, 2003 MPC Meeting. (9-1), Loring - No**

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The Commission recessed at 6:00 pm, and resumed at 6:17 p.m.

Mr. Bernhardt left the meeting at 6:00 p.m.

- 9. 2003Z-118U-07**  
Map 130-09, Parcel 93  
Map 130-13, Parcels 3-6  
Subarea 7 (2000)  
District 34 (Williams)

A request to change from R20 district to R8 district properties at 417 and 425 Page Road, Forrest Park Drive (unnumbered), 1208 Forrest Park Drive, and 308 Maybelle Lane (6.18 acres), requested by Littlejohn Engineering for Irene White, Gregory Perrone, Trustee, Toni Ginsberg, owners. (See PUD Proposal No. 2003P-010U-07 below).

**Staff Recommendation** - Approve, subject to approval of the Subarea 7 Plan Amendment request.

**APPLICANT REQUEST** - A request to change 6.18 acres from R20 to R8 district properties at 417 and 425 Page Road, Forrest Park Drive (unnumbered), 1208 Forrest Park Drive, and 308 Maybelle Lane.

**Existing Zoning**

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

**Proposed Zoning**

**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.

**SUBAREA 7 PLAN** - Existing Policy

**Residential Low (RL)** - RL policy is intended to conserve large areas of established, low-density residential, with densities up to 2 dwelling units per acre. The predominant development type in RL areas is single-family homes. Since RL areas are largely developed, the housing mix is already established and should not be disrupted.

**Conflict with Existing Policy?** - **Yes.** If the requested acreage was successfully rezoned to R8, the density would far exceed the allowable density under an RL land use policy. However, the applicant has requested a Subarea Plan Amendment for this area to change the land use policy from RL to RM.

**Requested Policy**

**Residential Medium (RM)** - RM policy is designed to accommodate residential development within a density range of about 4 to 9 dwelling units per acre. A variety of housing types are appropriate in RM areas. The most common types include compact single-family detached units, townhomes and walk-up apartments. Good accessibility is essential for development at the upper end of the density range.

The Commission is expected to consider the Subarea 7 Plan Amendment prior to this rezoning request. Staff attended a community meeting, held by Councilmember Lynn Williams, to discuss the possible land use policy change from RL to RM. The community was generally in agreement with the change, based primarily on the fact that the requested density would follow the existing density of the current apartment units on this site. The applicant is proposing to raze the existing apartment structures and their associated garages, as well as two duplexes, to build a 34-lot, Charleston-style, single-family development.

**Conflict with Requested Policy?** - **No.** If the Planning Commission approves the requested plan amendment, the requested zoning would not be in conflict with the new land use policy of RM, which allows for a residential density of 4 to 9 dwelling units per acre.

**RECENT REZONINGS** – No

**TRAFFIC** - Based on the trip generation numbers for R8, this proposal will generate approximately 325 daily trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). This is based on the associated PUD plan, which proposes 34 single-family lots as part of the requested rezoning. Different densities could generate more or less traffic.

**Public Works' Recommendations**

Current zoning R20, Peak Hour Adj. Street Traffic (Code 210)  
**AM trips = 11                      PM trips = 15**

Proposed zoning R8, Peak Hour Adj. Street Traffic (Code 210)  
**AM trips = 26      PM trips = 35**

“The number of trips increased by this zone change is insignificant. No exception taken.”

**SCHOOLS**      3 Elementary    2 Middle      2 High

**Schools Over / Under Capacity** - Students would attend Julia Green Elementary, Moore Middle, and Hillsboro High School. Julia Green, Moore Middle, and Hillsboro High School have been identified as being overcrowded by the Metro School Board; however, only Julia Green and Moore Middle are on the current restricted list. This information is based upon data from the school board last updated May 5, 2003.



[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-118U-07, and PUD Proposal 2003P-010U-07 were heard on Public Hearing and discussed by the Commission together.]

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Mr. Small left the meeting at 6:45 p.m.

- 10. 2003P-010U-07**  
Jardin de Belle PUD  
Map 130-09, Parcel 93  
Map 130-13, Parcels 3-6  
Subarea 7 (2000)  
District 34 (Williams)

A request for preliminary approval for a Planned Unit Development located abutting the corner of Page Road and Forrest Park Drive, classified R20 and proposed for R8 (6.18 acres), to permit the development of 34 single-family lots, requested by Littlejohn Engineering Associates for Tarragon Realty Investors, Inc., optionee. (See Zone Change Proposal No. 2003Z-118U-07 above).

**Staff Recommendation** - *Approve with conditions, subject to approval of the Subarea 7 Plan Amendment request.*

#### **APPLICANT REQUEST**

**Preliminary PUD** - Request to adopt a preliminary PUD plan to allow for the development of a 34-lot, single-family, Charleston-style subdivision on 6.18 acres. Property is located along the north side of Forrest Park Drive, east of Maybelle Lane, and west of Page Road.

#### **PLAN DETAILS**

Site PlanThe preliminary master plan proposes 34 single-family lots where a 29-unit apartment complex, 2 duplexes, and 2 single-family homes currently exist, on the northwest corner of Page Road and Forrest Park Drive. The development proposes a mix of Charleston-style Single Houses, Double Houses, and Georgian center-entrance homes that are more centrally balanced. The Single and Double Houses traditionally have a much thinner lot width than typical suburban residential development. Every lot is proposed to have either rear access or side access leading to a rear-located garage / carriage house. The plan proposes a single one-way street for ingress and egress off Forrest Park Drive. Only 8 lots front Forrest Park Drive, while the remaining lots front the one-way internal street.

Staff requested that the applicant reverse the orientation of the homes that back up to Page Road and Maybelle Lane so that the houses would front those streets. The applicant has responded to this request by attempting to address staff comments, as well as comments by surrounding neighbors made during the subarea plan amendment community meeting. Residents expressed concern over the proposed heights of the Charleston-style homes, in relation to the character of the surrounding estate-size lots and suburban homes in addition to concerns over stormwater management.

The applicant has retained the orientation of the homes toward the internal one-way street – which keeps the highest portions (3-story) of the homes internal to the project. The carriage houses / detached garages do not exceed two stories, and will be located next to Page Road and Maybelle Lane. Additionally, the Charleston-style home replicates the front façade to the sides and rear of the house to enhance architectural styling.

Stormwater management facilities are proposed in the northeast corner of the site and are proposed to be handled by a dry detention facility that will be heavily landscaped, with a berm, along Page Road.

#### **SUBAREA 7 PLAN & ZONING**

**Subarea 7 Plan Amendment Request** - The applicant has requested a Subarea 7 Plan Amendment to allow for the development of 34 lots on 6.18 acres. The proposed density exceeds the current land use policy of RL (Residential Low), which allows for a density of up to two dwelling units per acre. The requested amendment changes the land use policy from RL to RM (Residential Medium), which allows a density of four to nine units per acre. The Subarea plan amendment is on the Commission's agenda as a separate item.

A community meeting was held on October 14, 2003, to gauge community support for the plan amendment and proposed development. It was attended by approximately 40 people, most of who were in support of the proposal. Concerns were expressed; however, about stormwater runoff and some design aspects of the development, such as setbacks, building orientation, and trees.

**Staff Recommendation** - When this PUD proposal was initially filed it was clearly contrary to the existing land use policy that applied to the property. The Subarea 7 Plan amendment that has been recommended for approval by staff would permit the 34-lot single-family development if certain design issues are addressed by the plan and ultimately approved by Metro Council.

**METRO PUBLIC WORKS' FINDINGS** - No exception taken.

### **CONDITIONS**

If this requested PUD overlay is approved by the Planning Commission and / or the Metro Council, the following conditions must be complied with:

1. The project shall be developed in accordance with the Preliminary PUD Plan, which includes pages C0 through C5 and L1, as prepared by Littlejohn Engineering Associates, Inc., entitled Jardin de Belle. Last revision date September 2, 2003.
2. The project shall be developed in accordance with the 'Conceptual Streetscape Elevation – Page Road & Maybelle Lane', as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
3. The project shall be developed in accordance with the 'Conceptual Streetscape Plan – Page Road & Maybelle Lane', as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
4. A certified Tree Survey shall be completed and submitted with a request for final PUD approval.
5. The Preliminary PUD Plan shall be reviewed by an ISA (International Society of Arboriculture) Certified Arborist prior to submitting a request for final PUD approval to determine the likelihood that all trees proposed for preservation will survive grading and construction activities. A report, prepared by the certified arborist, shall be submitted with the request for final PUD approval.
6. Any conditions to protect trees during grading and construction recommended by the certified arborist shall be reviewed by Planning Department staff and the applicant and may be placed within the conditions of the final PUD approval.
7. Should any tree that is tagged, fenced, and appropriately protected for preservation die within one year of the issuance of the grading permit, a tree of the same species, shall be planted in its place. The size of the replanting, whether measured using DBH (diameter at breast height) or caliper, shall be determined by the certified arborist to ensure survivability, healthy growth, yet also act to replace the canopy of the existing shade trees.
8. All construction activity, whether temporary or semi-permanent, shall enter and exit the site via Forrest Park Drive.
9. If final PUD approval is not requested for the entire PUD, a Timetable for Development and Phasing Plan shall be submitted with the first request for final PUD approval. The Timetable for Development shall propose build-out timetable for each phase and the approximate month and year that each request for final PUD approval would be submitted to the Planning Commission. Should this Timetable for Development ever need to be amended, it shall only be amended as part of a request for final PUD approval before the Planning Commission.
10. The developer shall construct all proposed streetscape improvements, inclusive of the five-foot sidewalk and any other voluntary decorative improvements, prior to the issuance of the first Use & Occupancy Permit for the 34-lot development.

11. 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.
12. 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.

Mr. Mitchell presented and stated that staff is recommending approval, subject to approval of the Subarea 7 Plan Amendment request.

Mr. Jeff Heinz, Little Engineer Associates, explained the issues that were in question by the opposition – including storm water retention, set backs and the preservation of trees.

Mr. John Callighan 116 Clydelan Court, expressed concerns regarding the setbacks and reiterated that he was opposed to this project.

Ms. Mary Raby, 210 Maybelle Lane, spoke in opposition to the project due to the stormwater concerns and traffic issues.

Ms. Gwendolyn Blanton, expressed her concerns regarding the 300 year oak tree and asked that the arborist have it sectioned off so that it will not be damaged during the construction process. She also asked that they consider rain gardens to increase filtration.

Ms. Susan Michael, Clydelan Ct., spoke in favor of the proposal.

Ms. Lillian Gilmer, 205 Page Road, spoke in favor of the project.

Mr. Michael Marzialo, Architech, spoke in favor of the project. He stated that the development would compliment the area and stated that the trees will be included and considered an enhancement for certain properties.

Mr. Scott Kendall, 202 Craighead Avenue, Developer, spoke in favor of the project and he too offered explanation to the concerns expressed by those opposed to the project.

Mr. Sweat asked for clarification regarding sidewalks that would be included in the development.

Mr. Mitchell explained that the issue regarding sidewalks on Maybelle Lane would be added as a condition to this proposal. He also mentioned that there was a discrepancy with the acreage noted for this project and that he would have the Mapping Department amend this number. This too would be included as a condition to the proposal.

Mr. Small expressed concerns regarding the barrier wall included in the project and its placement in the development.

Mr. McLean moved, and Mr. Sweat seconded the motion, to approve Items #9 – 2003Z-118U-07 and #10 – 2003P-010U-07, to include the conditions of the acreage amendment and the addition of a sidewalk along Maybelle Lane.

**Approved, 9-0**

#### **Resolution No. 2003 –384**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-118U-07 is **APPROVED (10-0)**.

The proposed R8 district is consistent with the Subarea 7 Plan's Residential Medium (RM) policy, which calls for residential development at a density of four to nine dwelling units per acre. The RM policy, which was amended at the November 13, 2003, Commission meeting, replaces the Residential Low (RL) policy, which was intended for low-density residential at one to two dwelling units per acre.”

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**Resolution No. 2003 –385**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD Proposal No. 2003P-010U-07 is **APPROVED WITH CONDITIONS, (10-0), AS WELL AS THE TWO FOLLOWING CONDITIONS:**

- 1 a sidewalk shall be installed along Maybelle Lane
- 2 applicant shall work with Mapping Division to resolve acreage discrepancy prior to final PUD approval.”

**Additional Conditions of Approval:**

1. The project shall be developed in accordance with the Preliminary PUD Plan, which includes pages C0 through C5 and L1, as prepared by Littlejohn Engineering Associates, Inc., entitled Jardin de Belle. Last revision date September 2, 2003.
2. The project shall be developed in accordance with the ‘Conceptual Streetscape Elevation – Page Road & Maybelle Lane’, as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
3. The project shall be developed in accordance with the ‘Conceptual Streetscape Plan – Page Road & Maybelle Lane’, as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
4. A certified Tree Survey shall be completed and submitted with a request for final PUD approval.
5. The Preliminary PUD Plan shall be reviewed by an ISA (International Society of Arboriculture) Certified Arborist prior to submitting a request for final PUD approval to determine the likelihood that all trees proposed for preservation will survive grading and construction activities. A report, prepared by the certified arborist, shall be submitted with the request for final PUD approval.
6. Any conditions to protect trees during grading and construction recommended by the certified arborist shall be reviewed by Planning Department staff and the applicant and may be placed within the conditions of the final PUD approval.
7. Should any tree that is tagged, fenced, and appropriately protected for preservation die within one year of the issuance of the grading permit, a tree of the same species, shall be planted in its place. The size of the replanting, whether measured using DBH (diameter at breast height) or caliper, shall be determined by the certified arborist to ensure survivability, healthy growth, yet also act to replace the canopy of the existing shade trees.
8. All construction activity, whether temporary or semi-permanent, shall enter and exit the site via Forrest Park Drive.
9. If final PUD approval is not requested for the entire PUD, a Timetable for Development and Phasing Plan shall be submitted with the first request for final PUD approval. The Timetable for Development shall propose build-out timetable for each phase and the approximate month and year that each request for final PUD approval would be submitted to the Planning Commission. Should this Timetable for Development ever need to be amended, it shall only be amended as part of a request for final PUD approval before the Planning Commission.
10. The developer shall construct all proposed streetscape improvements, inclusive of the five-foot sidewalk and any other voluntary decorative improvements, prior to the issuance of the first Use & Occupancy Permit for the 34-lot development.
11. 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.

12. 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.

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11. **2003Z-126G-06**  
Map 155, Parcel 122  
Subarea 6 (2003)  
District 35 (Tygard)

A request to change from RS40 district to OL district on property at Route 5 Highway 100 on the east margin of Highway 100, approximately 150 feet south of Old Harding Pike, (3.22 acres), requested by Richard D. Jones, applicant, Betty French, owner.

**The Metropolitan Planning Commission deferred Mandatory Referral No. 2003Z-126G-06 to the December 11, 2003, meeting at the applicant's request. (10-0)**

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12. **2003Z-127G-06**  
Map 155, Parcel 121  
Subarea 6 (2003)  
District 35 (Tygard)

A request to change from RS40 district to CL (5.0 acres) and OL (3.42 acres) districts property at Route 5 Highway 100 located on the east margin of Highway 100, approximately 150 feet south of Old Harding Pike, (8.42 acres), requested by Richard D. Jones, applicant, for Mary Johnson, owner.

**The Metropolitan Planning Commission deferred Mandatory Referral No. 2003Z-127G-06 to the December 11, 2003, meeting at the applicant's request. (10-0)**

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13. **2003Z-129U-05**  
Map 83-05, Parcel 283  
Subarea 5 (1994)  
District 6 (Jameson)

A request to change from R6 district to RM15 district property at 1312 Eastland Avenue located at the southwest corner of Eastland Avenue and 14th Street North (0.29 acres), requested by Tony Darsinos, owner. (See PUD Proposal No. 2003P-017U-05 below).

**Staff Recommendation - Approve**

**APPLICANT REQUEST** -Rezone 0.29 acres from residential (R6) to residential multi-family (RM15) district property at 1312 Eastland Avenue, southwest corner of Eastland Avenue and 14<sup>th</sup> Avenue.

**Existing Zoning**

**R6 district** - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This zoning would allow 2 single family homes or 4 duplex units on this site.

**Proposed Zoning**

**RM15 district** - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. This would total 4 dwelling units on this site.

**SUBAREA 5 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 for 4 dwelling units on this parcel, or approximately 14 units per acre. Currently, the applicant could subdivide the existing lot into two parcels and build two duplexes. Although this zone change exceeds the RM policy, it does not exceed the density that could be achieved by subdividing the property. The lot is over 12,000 square feet in area and the existing zoning is R6. Subdividing the lot into two lots would fail comparability, but such a subdivision would meet the new requirements that allow the Commission to waive comparability under Subreg 2-4.7. The property is located within one-quarter mile of Gallatin Road which is a commercial policy area (2-4.7 A.2).

The applicant originally submitted a zone change and has since submitted a Planned Unit Development (2003P-017U-05) consistent with the existing residential development in the Lockeland Springs area. The building is consistent with the contextual setbacks along the blockface of Eastland and 14<sup>th</sup> Street. The associated PUD consists of four condominiums with a single-family structure appearance. In exchange for the PUD, there are design and development standards that would control development to be consistent with the character and design of the existing neighborhood.

**RECENT REZONINGS** - None

**TRAFFIC** - Based on the trip generation numbers for residential multi-family (RM15), this proposal will generate approximately 26 daily trips for apartment uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works Recommendations** - Request zone change from R6 to RM15

Current Zoning R6, Peak Adj. Street Traffic (Code 210)  
AM trips = 2 PM trips = 5

Proposed Zoning RM15, Peak Adj. Street Traffic (Code 221)  
AM trips = 7 PM trips = 9

There is no significant increase in dwelling units or trips. Further, the acreage is small. Therefore, there are no exceptions taken.

**Public Works' Recommendation** - "No exception taken."

**SCHOOLS** 1 Elementary <1 Middle <1 High

**Schools Over/Under Capacity** - Students would attend Ross Elementary, Bailey Middle School and Stratford High School. Ross has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

*[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-129U-05, and PUD Proposal 2003P-017U-05 were heard on Public Hearing and discussed by the Commission together.]*

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**14. 2003P-017U-05**  
Manor House  
Map 83-05, Parcel 283  
Subarea 5 (1994)  
District 6 (Jameson)

A request for a preliminary Planned Unit Development located abutting the southwest corner of Eastland Street and 14th Street, classified R6 and proposed for RM15, (.29 acres), to permit the development of a 4 unit multi-family development, requested by Tony Darsinos for Bill and Tony Darsinos, owners. (See Zone Change Proposal No. 2003Z-129U-05 above).

**Staff Recommendation** - *Approve with condition* but disapprove variance request to allow parking within the buffer area.

**APPLICANT REQUEST**

**Preliminary PUD** - Request to adopt a preliminary Planned Unit Development to allow for the development of a 4-

unit manor house on 0.29 acres. The property is located at 1312 Eastland Avenue abutting the southwest corner of Eastland and 14<sup>th</sup> Street.

**PLAN DETAILS** - The proposed plan shows a four unit manor house with a total building area of 6,000 square feet. The applicant is proposing multi-family condominium units with a maximum of two stories consistent with a single-family structure in this neighborhood. A covered front porch is also proposed to front Eastland Avenue. The applicant is proposing six required parking spaces according to the Urban Zoning Overlay requirements and two additional spaces. An existing sidewalk is on the periphery of the property with concrete walks proposed throughout the property.

**Buffer Yard Variance** - Because this is a PUD, the Planning Commission makes recommendations to the Board of Zoning Appeals on requests for variances from the Zoning Code. The applicant is requesting a variance for the buffer yard requirement since there is a 6' privacy fence proposed. Staff recommends that the Commission recommend disapproval of the variance because there is no determinable hardship. A sidewalk is also proposed within the buffer yard area. The plan shows two additional parking spaces in the buffer yard. Parking spaces are not allowed within the buffer yard. Staff recommends disapproval of the variance request to allow parking within the buffer area.

Metro Historic Zoning Commission This property is located within Lockeland Springs/East End Neighborhood Conservation Overlay District, which will require Metro Historic Zoning Commission (MHZC) review. The MHZC staff has recommended that elevations be shown on the plan and other standards needed for their review such as where the frontage is and if there is a covered porch. Staff requires that revised plans be submitted to reflect these standards.

**Public Works Recommendations:**

1. Show ROW on Eastland and 14th St. (#17)
2. Is the existing gravel alleyway public or private? (#26, 27) If it's a public alley, it must be improved to meet the ST-263 Metro alley specification. No ROW is indicated, so it is not possible to determine whether it is public or private on the preliminary PUD.
3. The preliminary PUD is missing survey control points (#16) and is undimensioned.
4. Show all buildings, structures, roads, and driveways on-site and within 100 feet of the site. (#17)
5. The proposed parking areas are undimensioned. (#17) The width of the driveway on Eastland is undimensioned. Is this existing or proposed? There is an adjacent private driveway shown approximately five feet to the west of this driveway.

**CONDITIONS**

1. Prior to final PUD approval, revised preliminary plans must be submitted addressing Metro Public Works' traffic conditions above.
2. Prior to final PUD approval, Metro Historical Commission shall make a recommendation to the Planning Commission on the plan's consistency with the Neighborhood Conservation Overlay guidelines.
3. Prior to final PUD approval, revised plans shall be submitted consistent with the Board of Zoning Appeals action on the proposed variance for the buffer yard.

Ms. Harris presented and stated that staff is recommending approval of the zone change, and approval with condition to the PUD, but to disapprove the variance request to allow parking within the buffer area.

Mr. Tony Darsinos, Owner, spoke in favor of the project and stated he felt that it would compliment the neighborhood.

Mr. Tim Craven, 1307 Eastland, spoke in opposition to the project because of its relation to the neighborhood and traffic issues.

Ms. Elaine Peebles, 1310 Eastland Avenue, spoke in opposition to the project.

Mr. Sweat asked for clarification regarding the landscaping and its relation to the buffer.

Ms. Harris stated that the developer has been instructed to implement both the landscaping buffer and the fence in this development. She stated that the fence is required by code because of the different zoning that takes place within the development RS6 and RM15.

The Commission discussed their options with regard to their approval of this item and whether they could remove the condition of the inclusion of the fence.

Ms. Hammond offered that this was to be presented to the Historical Commission for approval.

Mr. Fox explained the options the Commission could take on this proposal.

Mr. Sweat moved, and Ms. Cummings seconded the motion to adopt staff recommendation, with the modification that upon the final plat review, this plat not be placed on the consent agenda, and the condition that the Commission will review the four options of the placement of the buffer and the fence associated with this project. **Approved 9-0**

#### **Resolution No. 2003 –386**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-129U-05 is **APPROVED. (9-0).**

The proposed RM15 district allows for 4 dwelling units on this parcel, or approximately 14 units per acre. Although this exceeds the RM policy, it does not exceed the density that could be achieved by subdividing the property. The existing lot could be subdivided into two parcels and two duplexes (four units) could be built currently. With the associated PUD, which will insure consistency with the existing streetscape, this zone change is consistent with the existing neighborhood.”

#### **Resolution No. 2003 –387**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-017U-05 is **APPROVED WITH CONDITIONS (9-0), AND FINAL PUD PLAN WILL COME BACK TO THE PLANNING COMMISSION, NOT ON CONSENT, SO THE COMMISSION CAN CONSIDER THE BUFFER YARD ON THE WEST SIDE OF THE PROPERTY.**

##### **Conditions of Approval:**

1. Show ROW on Eastland and 14th St. (#17)
2. Is the existing gravel alleyway public or private? (#26, 27) If it's a public alley, it must be improved to meet the ST-263 Metro alley specification. No ROW is indicated, so it is not possible to determine whether it is public or private on the preliminary PUD.
3. The preliminary PUD is missing survey control points (#16) and is undimensioned.
4. Show all buildings, structures, roads, and driveways on-site and within 100 feet of the site. (#17)
5. The proposed parking areas are undimensioned. (#17) The width of the driveway on Eastland is undimensioned. Is this existing or proposed? There is an adjacent private driveway shown approximately five feet to the west of this driveway.
6. Prior to final PUD approval, revised preliminary plans must be submitted addressing Metro Public Works' traffic conditions above.



7. Prior to final PUD approval, Metro Historical Commission shall make a recommendation to the Planning Commission on the plan's consistency with the Neighborhood Conservation Overlay guidelines.
8. Prior to final PUD approval, revised plans shall be submitted consistent with the Board of Zoning Appeals action on the proposed variance for the buffer yard."

**15. 2003Z-130U-08**

Map 81-16, Parcel 40  
Subarea 8 (2002)  
District 19 (Wallace)

A request to change from RS5 district to CL district property located at 1400 14th Avenue North, abutting the east margin of 14th Avenue North and the I-40 West Ramp (0.10 acres), requested by Tony Turner on behalf of Antonio C. Turner, owner.

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

**APPLICANT REQUEST**-Rezone 0.10 acres from residential single-family (RS5) to commercial limited (CL) district property at 1400 14<sup>th</sup> Avenue North, abutting the west margin of 14<sup>th</sup> Avenue North and the I-40 West Ramp.

**Existing Zoning**

**RS5** - ~~RS5~~ requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 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. Billboards are also permitted in the CL district.

**SUBAREA 8—NORTH NASHVILLE COMMUNITY PLAN**

Elizabeth Park Detailed Neighborhood Design Plan

**Single Family Detached in Neighborhood General** - Single Family Detached includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house).

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

**Policy Conflict** - Yes. The proposed zoning district is not consistent with the policy for this area. Commercial uses are not intended for this area.

The applicant's intent for the rezoning is for billboard placement. Staff does not typically recognize the intent for the rezoning. The Codes Department has notified the applicant however, that a billboard will not be permitted on this site based on setbacks from the residential property adjacent to this property and standard setbacks from street right of ways. Variances would be required from the Board of Zoning Appeals.

**RECENT REZONINGS** - None.

**TRAFFIC** - Based on the trip generation numbers for commercial limited (CL), this proposal will generate approximately 28 daily trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works' Recommendations** - Request zone change from RS5 to CL

Current zoning Lot is of insufficient size for a RS5 single family lot.

Proposed zoning CL, Peak Adj. Street Traffic (Code 710)  
AM trips = 4 PM trips = 4

The increase in the number of trips is insignificant from these two zone districts on this parcel of land. Access will be limited to 14<sup>th</sup> Avenue. “No Exception Taken”

Ms. Harris presented and stated that staff is recommending disapproval as it is contrary to the General Plan.

Mr. John Crump, presented two letters that were written by neighbors of this area regarding the project and stated that he was fine with the proposal.

Mr. Thomas Martin, 1504 14<sup>th</sup> avenue, spoke in opposition to the rezoning included in this project.

Ms. Ann Martin, 1504 14<sup>th</sup> avenue, spoke in opposition to the project.

Mr. McLean moved, and Ms. Nielson seconded the motion to disapprove Zone Change No. 2003Z-130U-08.  
**Disapproved, (9-0)**

**Resolution No. 2003 –388**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-130U-08 is **DISAPPROVED AS CONTRARY TO GENERAL PLAN. (9-0)**”

The proposed CL district is not consistent with the Elizabeth Park Detailed Neighborhood Design Plan calling for Single-Family Detached in Neighborhood General (SFD in NG) policy. SFD in NG policy includes a mixture of single-family housing intended to apply to existing and predominately residential areas. Commercial uses are not intended for this area.”

- 16. 2003Z-132G-06**  
Map 155-16, Parcel 1  
Subarea 6 (2003)  
District 35 (Tygard)

A request to change from RS40 district to RM4 district property located at Highway 100 (unnumbered) on the northeast corner of Highway 100 and Chaffin Drive (1.94 acres), requested by Joseph G. Pretrosky, P.E on behalf of P. M. and Ruby Chaffin, owner.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST** - Rezone 1.94 acres from residential single-family (RS40) to residential multi-family (RM4) district property at Highway 100 (unnumbered) on the northeast corner of Highway 100 and Chaffin 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**

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

**BELLEVUE COMMUNITY PLAN POLICY**

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

**Policy Conflict** - The proposed RM4 district is consistent with the allowable density for the RLM policy in this area. This zoning would serve as a transition zoning between commercial and office uses to the north along Highway 100.

**RECENT REZONINGS** - Yes. Property to the north was rezoned from RS40 district to CL district by the Planning Commission On October 23, 2003. The Commercial Planned Unit Development was also amended to permit the addition of a fuel pumping station to replace an undeveloped bank. Property south of the Commercial PUD was rezoned from RS40 to CL in July 2003.

**TRAFFIC** - Based on the trip generation numbers for residential medium (RM4), this proposal will generate approximately 45.5 to 51.5 daily trips ranging from residential condominium/townhouse and apartment uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works' Recommendations** - Request zone change from RS40 to RM4

Current zoning RS40, Peak Hour Adj. Street Traffic (Code 210, Single-family home)  
**AM trips = 2**                      **PM trips = 2**

Proposed zoning RM4, Peak Hour Adj. Street Traffic (Code 220, Apartments)  
**AM trips = 4**                      **PM trips = 5**

The increase in the number of trips is insignificant from these two residential zones on this parcel of land. Access will be limited to Chaffin Drive. "No Exception Taken."

**CONDITIONS**

1. Access to be limited to Chaffin Drive or through a joint access agreement with the adjacent property to the north on Highway 100. There shall be no additional access from Highway 100.

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –389**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-132G-06 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. Access to be limited to Chaffin Drive or through a joint access agreement with the adjacent property to the north on Highway 100. There shall be no additional access from Highway 100.

The proposed RM4 district is consistent with the Bellevue Community Plan’s Residential Low Medium (RLM) policy, which is intended for residential development within a density range of two to four dwelling units per acre. This zoning would serve as a transition zoning between commercial and office uses to the north along Highway 100 and single-family residential uses to the south.”

17. **2003Z-133G-12**  
Map 160, Parcel 103  
Map 171, Parcels 101 and 104  
Subarea 12 (1997)  
District 31 (Toler)

A request to change from R40 district to RM4 district property located at Old Hickory Boulevard (unnumbered) and 205 Dunn Lane, on the south side of Old Hickory Boulevard, approximately 200 feet west of Chadwick Lane (20.07 acres), requested by Anderson-Delk and Associates for Harry J. Adams Jr., et ux; John Moore, et ux; and John H. Dunn Family Trust, owners. (See PUD Proposal No. 2003P-014U-12 below).

**Staff Recommendation - Approve**

**APPLICANT REQUEST**

Rezone 20.07 acres from residential (R40) to residential multi-family (RM4) district property along the south margin of Old Hickory Boulevard (unnumbered) and 205 Dunn Lane.

**Existing Zoning**

**R40 district - R40** requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

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

**SUBAREA 12 PLAN POLICY**

Residential Low-Medium - RLM is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. Development at the upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets, provided primary access to the collector or arterial is not through a lower density area.

**Policy Conflict - No.** The proposed zoning is consistent with the policy for the area. There is an associated planned unit development (PUD) that is also being requested for this site. The PUD proposes a 68-unit townhouse (condominium) project that is consistent with the character of residential development along this portion of Old Hickory Boulevard.

**RECENT REZONINGS - No**

**TRAFFIC -** Based on the trip generation numbers for RM4, this proposal will generate approximately 470 daily trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Different densities could generate more or less traffic.

**Public Works' Recommendations -** Request zone change from R40 to RM4

Current zoning R40, Peak Hour Adj. Street Traffic (Code 210)  
AM trips = 18 PM trips = 24

Proposed zoning RM4, Peak Hour Adj. Street Traffic (Code 210)  
AM trips = 41 PM trips = 50

“The site plan was submitted in conjunction with the zone change. There are a total of 68 units. The trips from the zone change show an insignificant increase. No TIS will be required.”

**SCHOOLS**     6 Elementary     4 Middle     4 High

**Schools Over / Under Capacity -** Students would attend Granbery Elementary, Oliver Middle, and Overton High School. Granbery and Overton have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 5, 2003.

[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-133G-12, and PUD Proposal 2003P-014U-12 were heard on Public Hearing and discussed by the Commission together.]

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- 18.     2003P-014U-12**  
Mayfair  
Map 160, Parcel 103  
Map 171, Parcels 101 and 104  
Subarea 12 (1997)  
District 31 (Toler)

A request for preliminary approval for a Planned Unit Development located abutting the south margin of Old Hickory Boulevard, approximately 200 feet west of Chadwick Lane, classified R40 and proposed for RM4, (20.07 acres), to permit the development of a 68 unit multi-family development, requested by Anderson Delk and Associates for Harry Adams Jr., John Dunn Family Trust and John Moore, owners. (See Zone Change Proposal No. 2003Z-133U-12 above).

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST**

**Preliminary PUD** - Request to adopt a new preliminary PUD plan on a 20-acre site, located along the south side of Old Hickory Boulevard about one-half mile west of Edmondson Pike, to allow for the development of a 68-unit townhouse development.

#### **PLAN DETAILS**

**Site Plan** - The preliminary master plan proposes 68 units to be constructed in 34 structures with each containing two townhouse units. The units will be accessed by an internal private drive network with five-foot sidewalks are proposed along one side throughout the entire development. There is an existing stream that runs from the northeast corner of the property, through the property, and exits at the south property line into Cloverland Park subdivision. Stormwater quality areas are proposed alongside this stream, but outside of any floodway or buffer area. The majority of the direct frontage along Old Hickory Boulevard will be preserved and dedicated as common open space due to the stream and the associated floodway and floodplain.

Since this development is also associated with a rezoning request to rezone the property to RM4 (multi-family zoning), there is no minimum 15% common open space requirement. This site is encumbered by floodway and floodplain, however. As required by the Code, the applicant has placed a note on the preliminary plan stating that streams, areas classified as floodway, and two-thirds of areas classified as floodplain and landscape buffer will be designated as common open space.

**Vehicular / Pedestrian Access** - Access to the site is provided only from Old Hickory Boulevard via an existing curb cut and substandard driveway that will be reconstructed as a private drive for the entire project. Adjacent to the southeast corner of the site is the dead-end section of Clovermeade Drive. Pursuant to the recently updated Subdivision Regulations, "The use of an interconnected street system shall be encouraged to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement."

A public street that provides a north-south connection between Old Hickory Boulevard and Cloverland Drive would be warranted in this location. The applicant has not included a public street in its proposal. If the PUD is approved without a public street, then at least a pedestrian connection should be required from Clovermeade Drive, through the project, to Old Hickory Boulevard. The Applicant should provide a paved path from Clovermeade Drive to the planned sidewalks along the private drive within the PUD. In addition, a public pedestrian easement should be provided through the entire project from Clovermeade Drive to Old Hickory Boulevard.

In addition to the pedestrian path request, staff recommends that the applicant reconstruct the dead-end portion of Clovermeade Drive to provide for a permanent cul-de-sac. This is being requested because this development would permanently dead-end Clovermeade Drive.

#### **METRO PUBLIC WORKS' FINDINGS**

Metro Public Works provided comments on the preliminary plan. All comments were successfully addressed by the applicant. The applicant met with MPW staff on October 15, 2003, to discuss the comments.

#### **CONDITIONS**

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. This preliminary plan approval 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.

3. A minimum 5-foot wide pedestrian pathway shall be constructed from the proposed internal sidewalk system of the development to the dead-end of Clovermeade Drive.
4. A public pedestrian easement shall be provided on the internal sidewalk system and on the pedestrian path that connects to Clovermeade Drive.
5. The unfinished dead-end of Clovermeade Drive shall be reconstructed to provide a permanent cul-de-sac since no future connections or extensions would be available.

Mr. Mitchell presented and stated that staff is recommending approval of the zone change and approving the PUD with conditions.

Councilmember Toler spoke in favor of the zone change and the PUD with the exception of the pedestrian walkway and the cul-de-sac that are being proposed for Clovermeade Drive. He stated that the community does not want these items included in the proposal.

Mr. Tom White, representative for the applicant, is also requesting elimination of the pedestrian walkway and the cul-de-sac and is in favor of the project.

Jane Patton, 5722 Chadwick Lane, expressed concerns regarding the flooding in the area and asked that they eliminate house 67 & 68.

Ms. Melissa Caldwell, 5252 Almodale Circle, requested that this project be granted additional time so that the community could gain additional knowledge regarding the project.

A resident of 5228 Almodale, requested that this project be deferred so that it could be studied further by the neighborhood.

Mr. Tom Pierce, 5248 Almodale Circle, stated that there was not enough notification given on this project. He stated that David & Stephanie Richardson, 5561 Nevel Point, who were not present at the meeting, but stated that Mr. Pierce would like to request that a Town Meeting so that this proposal could be discussed further.

Mr. Lawson explained the notification process of the Planning Commission.

Mr. Clifton explained the public hearing process.

Ms. Nielson asked for clarification on the sidewalks included in the project.

Mr. Mitchell stated that since this is a private drive, they were only required on the one side.

Mr. McLean suggested that the two items to be eliminated by Councilmember Toler be included in the motion.

Ms. Nielson expressed concerns regarding the cul-de-sac and whether emergency vehicles could maneuver in this area.

The Commission discussed the removal of the cul-de-sac and the pedestrian walkways for this project.

Councilmember Loring was in agreement with the Councilmember's request.

Mr. Sweat expressed concerns regarding the cul-de-sacs and the possibility of emergency vehicles being able to maneuver in them. He suggested that they look at the possibility of the running streets through as opposed to making them dead ends.

Ms. Cummings stated that she is confident that the developers will continue to meet with the neighborhood to continue discussing these issues.

Mr. McLean moved, and Councilmember Loring seconded the motion, to approve staff recommendation of the Zone Change 2003Z-133U-12, and the Planned Unit Development No. 2003P-014U-12, with the exception of the cul-de-

sac and pedestrian walkway requirements. **Approve, 7-2**, No-Sweat, Tyler. Ayes – Loring, Jones, Nielson, McLean, Clifton, Cummings, Lawson

A discussion ensued regarding the pedestrian walkways among the Commission members. Items of discussion included connectivity and exclusivity and the idea of the walkways as well as the benefits and disadvantages of the cul-de-sacs in the proposal.

**Resolution No. 2003 –390**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-133G-12 is **APPROVED. (7-2)**

The proposed RM4 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy, which is intended for residential development within a density range of two to four dwelling units per acre.”

**Resolution No. 2003 –391**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-014U-12 is **APPROVED WITH CONDITIONS (7-2)**, LESS CONDITON #3, #4, AND #5.

**Conditions of Approval:**

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. This preliminary plan approval 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.”

- 19. 2003Z-135U-13**  
Map 148, Parcel 66  
Subarea 13 (2003)  
District 28 (Alexander)

A request to change from AR2a district to RM6 district property located at Franklin Limestone Road (unnumbered), abutting the south margin of Franklin Limestone Road and Mullins Road (40.18 acres), requested by Joe McConnell, MEC Inc., for Gold Star Development, Inc., owner.

**The Metropolitan Planning Commission deferred Zone Change Proposal No. 2003Z-135U-13 to the December 11, 2003 meeting at the applicant’s request. (10-0)**

- 20. 2003Z-136U-05**  
Map 72-13, Parcels 338, 339 and 340  
Map 83-01, Parcels 39, 40, 41, 42 and part of Parcels 33, 34, and 35  
Subarea 5 (1994)  
District 5 (Murray)

A request to change from CS and R6 districts to CL district property located at 1041, 1043 and 1045 West Greenwood Avenue, 1213, 1215 and 1217 Bailey Street, 1208, 1214, 1216 and 1220 Gallatin Road, (4.67 acres), requested by Gresham-Smith and Partners for Frederick Stalneckner, Robert O'Malley, Donald Sumner, Ester Dunn, Russanne Buchi-Fotre, Jeffrey Hale, Michael Williamson, Phil Disser, and Wayne Hackney, owners. (See PUD Proposal No. 2003P-019U-05 below).

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 4.67 acres from commercial services (CS) and residential (R6) to commercial limited (CL) district part of property at 1043, 1041, 1045 W. Greenwood Ave., and property at 1213, 1215, 1217 Bailey St., 1208, 1214, 1216, and 1220 Gallatin Ave.

**Existing 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.

**R6 district - R6** requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

**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 POLICY**

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

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

**Policy Conflict** - The proposed zoning district (CL) is consistent with the CAE policy along Gallatin Road. This zone change request downzones the existing CS zoning district to CL, which is consistent with the CAE policy in that it does not allow for the intensification of commercial uses. The proposed rezoning does encroach into the RM policy at the rear of the site, but the associated PUD limits all access to Gallatin Pike, and prohibits access through the residential area. Hattie Cotton Elementary School is located behind the property along Bailey Street, which further limits the intrusion into the residential neighborhood. The associated PUD also provides a buffer at the rear of property between the school, residential homes, and the proposed commercial development. The RM policy corresponds to the area along Bailey and W. Greenwood. The northern portion of the residential lots located along W. Greenwood Avenue is requested for rezoning. Because there is an associated PUD with the zone change request, intrusion into the residential neighborhood and school site behind the property are addressed with design and development standards.

**RECENT REZONINGS** - None.

**TRAFFIC** - Based on the trip generation numbers for commercial limited (CL), this proposal will generate approximately 5,239 to 13,610 daily trips ranging from shopping center to supermarket uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works Recommendations** - CS to CL—A reduction in the number of uses when changing from CS to CL. Remaining uses are the same, therefore, no change would be made in the peak number of trips.

Current Zoning R6, Peak Adj. Street Traffic (Code 210, single family home)

AM trips = 10 PM trips = 13

Proposed Zoning CL, Peak Adj. Street Traffic (Code 850, Supermarket)

AM trips = 139 PM trips = 493

(A Traffic Impact Study was submitted. Public Works’ Comments and recommendations are included with the associated McKennie Neighborhood Market PUD (2003P-019U-05))

**Approved (10-0), Consent Agenda**



“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-136U-05 is **APPROVED. (10-0)**

The proposed CL district is consistent with the Subarea 5 Plan’s Commercial Arterial Existing (CAE) policy along Gallatin Road. This zone change request downzones the existing CS zoning district to CL, which is consistent with the CAE policy in that it does not encourage the intensification of commercial uses. The proposed zoning does encroach into the Residential Medium (RM) policy at the rear of the site, but the associated PUD limits all access to Gallatin Pike, and provides increased buffering.”

**21. 2003P-019U-05**

McKennie Neighborhood Market Preliminary PUD  
Map 72-13, Parcels 338, 339 and 340  
Map 83-01, Parcels 39-42 and Part of Parcels 33-35  
Subarea 5 (1994)  
District 5 (Murray)

A request for preliminary approval for a Planned Unit Development located abutting the west margin of Gallatin Road, 190 feet south of Douglas Avenue, classified CS and R6 districts and proposed for CL district (4.67 acres), to permit the development of a 42,842 square foot retail/office/restaurant development, requested by Gresham-Smith and Partners for various owners. (See Zone Change Proposal No. 2003Z-136U-05 above).

**Staff Recommendation** - *Approve PUD with conditions. Disapprove request for variance to UZO requirements for setbacks.*

**APPLICANT REQUEST**

**Preliminary PUD** - Request to adopt a preliminary Planned Unit Development to permit the development of a 42,842 square foot retail/office/restaurant development located abutting the west margin of Gallatin Road, 190 feet south of Douglas Avenue.

**PLAN DETAILS**

The proposed plan shows a 39,910 square foot building to be used as retail or a neighborhood market. The applicant is proposing to keep the existing fire hall located at the northern corner of the property. The proposed use is for retail/restaurant/office uses within the former fire hall. A proposed bus stop is shown at Gallatin Road. There are two entrances into the project. One entrance is across Gallatin Road from McKennie Avenue with a traffic signal, and another entrance is at the south end of the property off of Gallatin Road.

The applicant proposes to exceed the C-3 bufferyard standards along the back of the property parallel to Bailey Street facing Hattie Cotton Elementary School. The C-3 bufferyard requires a 20’ landscaping buffer, but the applicant has shown between 25’ to 50’ of buffer to address concerns with the back of the proposed store facing an elementary school and intrusion into this residential neighborhood. A B-3 bufferyard is also shown on the north side of the site next to the residentially zoned property off of the alley, which requires a 10’ buffer. An A-2 bufferyard is shown along the alley behind office uses, which requires a 5’ buffer.

**Urban Zoning Overlay (UZO)** - The building is proposed to sit toward the back of the property with most of the parking in the front and side of the building. The UZO requirements would orient the building toward the front with parking on the side or back. According to Section 17.12.035, “in a mixed use, office, industrial, RM20, RM40, RM60 or commercial zone district, the front façade of a principal building may be constructed as close as the edge of the right-of-way and shall not be constructed further from the street than the leading edge of the front façade of the principal building on an abutting mixed use, office, industrial, RM40, RM60, or commercial zoned lot that is furthest from the street.” Staff recommends disapproval of the variance which must be approved by the Board of Zoning Appeals prior to final PUD approval. The Planning Commission is required to make a recommendation to the BZA regarding any variance request within a PUD district.

**Sidewalks** - Sidewalks are provided along Gallatin Road, however, sidewalks should also be provided along Bailey Street.

**Public Works' Recommendation** - "The additional trips for the vacant firehouse are expected to be insignificant. We [Public Works] will accept the TIS generated trips.

The ITE land use code 850, supermarket, was approved for use. We approved a 10% transit reduction. We also approved pass-by trip reduction. The engineer used a 36% pass by reduction from the Trip generation handbook chart for Supermarkets. The chart is consistent with the land use code, however only 9 studies are plotted. The median reduction should be 28% not 36% as used by the engineer. Therefore, the engineer reduced the Gallatin Rd trips by an additional 8%. Since the LOS is A or B for all studied intersections, there is adequate capacity to serve these additional trips and the engineer will not be asked to recalculate the capacity analysis in this instance.

The following items shall be added to the site plan and provided for Public Works review. These items shall be CONDITIONS for approval if the site plan is not revised and resubmitted:

1. On the submitted site plan the ramp at the intersection is shown as a 36 ft concrete ramp. The developer shall install 35 ft. asphalt driveway approach because it is a signalized intersection. The developer shall install the following : A 13 ft wide entering lane, A 11 ft thru and left lane with adequate storage length (as identified by HCS analysis), A 11 ft right turn only lane with adequate storage length (as identified by HCS analysis).
2. Provide HCS analysis in a TIS supplement.
3. The developer shall modify the signal using video detection equipment for the private property approach. Developer shall design and provide Signal Plans for Public Works approval.
4. Pedestrian signals and associated facilities shall be installed at the McKennie/ Gallatin Rd intersection on all approaches.
5. Install an 11 ft wide left turn lane on the eastbound approach of Gallatin Rd. at the site access drive opposite McKennie Ave. Determine storage length from HCS analysis.
6. Provide HCS analysis in TIS supplement.
7. The ramp access drive allowed near the western property line, shall be 24 ft wide with one 12 ft entering lane and one 12 ft exiting lane.
8. Install (and dimension on plans), adequate queuing space per codes for the drive thru pharmacy.
9. Install (and dimension on plans) standard parking spaces and drive aisles per zoning regulations. No traffic aisles shall be allowed to connect with the access drives at the throat area. This area shall have continuous curbing along the driveway from the ROW to the Parking islands.
10. Install back-up space for parking located at firehouse building.
11. Demonstrate that delivery trucks can maneuver the radii of site driveways.
12. Developer shall show pavement markings and signing plan on site plan.
13. Children attending Hattie Cotton School use the alley along the northeast property line of this project to reach a sidewalk installed by Public Works along the back of the Bellsouth building at the corner of Douglas and Gallatin Pk. This pedestrian path along the alley shall be protected or incorporated into the design of the site if possible."

#### **CONDITIONS**

1. Revised plans to be submitted prior to final PUD approval including conditions from Public Works as shown above.
2. Prior to final PUD approval by the Planning Commission, either the Board of Zoning Appeals shall approve the variance for building setbacks within the UZO, or revised plans must be submitted to the

Planning Commission that comply with the UZO setback requirements. If the BZA grants a variance to the UZO setback requirements, the applicant must work with Planning Department staff to establish design standards to create a hard-edge along Gallatin Road.

3. Prior to approval by the Metro Planning Commission, a revised preliminary plan must be submitted showing sidewalks along Bailey Street.

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –393**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-019U-05 is **APPROVED WITH CONDITIONS (10-0), BUT DISAPPROVED (10-0) UZO VARIANCE FOR SETBACKS.**

**Conditions of Approval:**

1. On the submitted site plan the ramp at the intersection is shown as a 36 ft concrete ramp. The developer shall install 35 ft. asphalt driveway approach because it is a signalized intersection. The developer shall install the following : A 13 ft wide entering lane, A 11 ft thru and left lane with adequate storage length (as identified by HCS analysis), A 11 ft right turn only lane with adequate storage length (as identified by HCS analysis).
2. Provide HCS analysis in a TIS supplement.
3. The developer shall modify the signal using video detection equipment for the private property approach. Developer shall design and provide Signal Plans for Public Works approval.
4. Pedestrian signals and associated facilities shall be installed at the McKennie/ Gallatin Rd intersection on all approaches.
5. Install an 11 ft wide left turn lane on the eastbound approach of Gallatin Rd. at the site access drive opposite McKennie Ave. Determine storage length from HCS analysis.
6. Provide HCS analysis in TIS supplement.
7. The ramp access drive allowed near the western property line, shall be 24 ft wide with one 12 ft entering lane and one 12 ft exiting lane.
8. Install (and dimension on plans), adequate queuing space per codes for the drive thru pharmacy.
9. Install (and dimension on plans) standard parking spaces and drive aisles per zoning regulations. No traffic aisles shall be allowed to connect with the access drives at the throat area. This area shall have continuous curbing along the driveway from the ROW to the Parking islands.
10. Install back-up space for parking located at firehouse building.
11. Demonstrate that delivery trucks can maneuver the radii of site driveways.
12. Developer shall show pavement markings and signing plan on site plan.
13. Children attending Hattie Cotton School use the alley along the northeast property line of this project to reach a sidewalk installed by Public Works along the back of the Bellsouth building at the corner of Douglas and Gallatin Pk. This pedestrian path along the alley shall be protected or incorporated into the design of the site if possible.”
14. Revised plans to be submitted prior to final PUD approval including conditions from Public Works as shown above.

15. Prior to final PUD approval by the Planning Commission, either the Board of Zoning Appeals shall approve the variance for building setbacks within the UZO, or revised plans must be submitted to the Planning Commission that comply with the UZO setback requirements. If the BZA grants a variance to the UZO setback requirements, the applicant must work with Planning Department staff to establish design standards to create a hard-edge along Gallatin Road.
16. Prior to approval by the Metro Planning Commission, a revised preliminary plan must be submitted

- 22. 2003Z-137U-14**  
Map 85, Part of Parcel 1  
Subarea 14 (1996)  
District 15 (Loring)

A request to change a part of a parcel from R15 district to RM2 district property located at 3005 Fernbrook Lane, abutting the south margin of Fernbrook Lane (26.8 acres), requested by Roy Dale, Dale & Associates for Donelson Church of Christ, owner.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - Rezone a portion of property at 3005 Fernbrook Lane (26.8 acres) from residential single-family and duplex (R15) to residential multi-family (RM2) district, abutting the south margin of Fernbrook Lane.

**Existing Zoning**

**R15 district** - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. This would total 66 lots or 83 total units with 25% duplex lots.

**Proposed Zoning**

**RM2 district** - RM2 is intended for single-family, duplex, and multi-family dwellings at a density of 2 dwelling units per acre. This would total 54 dwelling units for this development.

**SUBAREA 14 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.

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

**Policy Conflict** - The proposed zoning is consistent with the policy calling for a variety of housing types within the RLM policy area. A large portion of the property requested for rezoning is within the NCO policy, which calls for low intensity residential densities. The RM2 zoning district reduces the density from three dwelling units per acre to two dwelling units per acre.

RM2 zoning allows for greater clustering of the buildings on the property in order to allow for preservation of a larger portion of the property in a natural state.

A public road will be required for the remaining residence on the portion not being rezoned.

**RECENT REZONINGS** - None.

**TRAFFIC** - Based on the trip generation numbers for residential multi-family (RM2), this proposal will generate approximately 314 daily trips for residential condominium/townhouse uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works' Recommendations** - Request zone change from R15 to RM2

Current zoning R15, Peak Hour Adj. Street Traffic  
AM trips = 63 PM trips = 84

Proposed zoning RM2, Peak Hour Adj. Street Traffic  
AM trips = 36 PM trips = 45

This zone change allows fewer dwelling units per acre. The number of trips decrease.  
"No Exception Taken."

**SCHOOLS**     17 Elementary   12 Middle     10 High

**Schools Over/Under Capacity** - Students would attend Pennington Elementary, Two Rivers Middle School and McGavock High School. Pennington and Two Rivers have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

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

Mr. Roy Dale, spoke in favor of this proposal because it would allow less density and would preserve the floodplain.

Mr. Clyde Ingram, 2933 Fernbrook Lane, spoke in opposition to the proposal.

Ms. Okie Magee, 2936 Fernbrook Lane, spoke in opposition to the project due to traffic congestion it would present.

Mr. William Nichol, 3128 spoke in opposition to the project.

Ms. Betty Newman, a Fernbrook resident, spoke in opposition to the proposal.

Councilmember Loring spoke in favor of the proposal.

Ms. Nielson asked for clarification on the impact this project would place on the schools.

Mr. McLean moved and Ms. Nielson seconded the motion to approve Zone Change No. 2003Z-137U-14.

**Approved, 9-0**

**Resolution No. 2003 -394**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-137U-14 is **APPROVED. (9-0)**

The proposed RM2 district is consistent with the Subarea 14 Plan's Residential Low Medium (RLM) policy, which is intended for residential development within a density range of two to four dwelling units per acre. A large portion of the property requested for rezoning is within the Natural Conservation policy, which calls for very low density residential. The RM2 zoning district reduces the density from three dwelling units per acre to two dwelling units per acre."

- 23.     2003Z-138U-12**  
Map 147-11, Parcel 40  
Subarea 12 (1997)  
District 27 (Foster)

A request to change from CL district to CS district property located 4601 Nolensville Pike, at the southwest corner of Nolensville Pike and Cotton Lane (3.34 acres), requested by Philip, Kenneth and Ronald Pratt, owners.

**Staff Recommendation** - *Disapprove*

**APPLICANT REQUEST** - Rezone 3.34 acres from commercial limited (CL) to commercial service (CS) district property at 4601 Nolensville Pike, at the southwest corner of Nolensville Pike and Cotton Lane.

**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.

**SUBAREA 12 PLAN POLICY**

**Commercial Arterial Existing** - 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.

**Policy Conflict** - Yes. The proposed CS district is not consistent with the policy for this area. Expansion of the policy and intensification of zoning is appropriate only to maintain the viability of existing businesses. The proposed zoning increases the intensity of commercial uses and does not stabilize the current condition or prevent additional expansion along Nolensville Pike. The intent of the CAE policy is “to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern.” Along the south side of Nolensville Pike, there are various commercial uses that are in the Commercial Limited (CL) zoning district and/or located within a commercial planned unit development.

**RECENT REZONINGS** - None.

**TRAFFIC** - Based on the trip generation numbers for commercial services (CS), this proposal will generate approximately 961 to 5271 daily trips ranging from general office uses, shopping center, and a 24-hour convenience market. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works’ Recommendations** - There are very few differences between the CL and CS zones. The only additional uses that may be introduced are related to automotive sales and service and manufacturing uses. The highest generating use in this zone will be retail or restaurant uses, both of which are allowed in either zone. But since this is a new development, a Traffic Impact Study may be required due to the large number of trips that can be generated by either zone classification.

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposal level of development and required mitigations.”

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

Mr. Bill Brittain, 619 Woodleigh Drive, a representative for the owner, requested that this be approved. He stated that this area was rezoned and the owners were not notified of the zone change.

Kenneth Pratt, owner, spoke in favor of the proposal.

Ms. Cummings expressed concerns regarding CS zoning and its relation to this proposal.

Mr. Loring stepped out of the meeting at 8:15 p.m.

Mr. Tyler asked for clarification on the reason why the CS is not recommended.

Ms. Nielson moved, and Ms. Cumming seconded the motion, to approve Zone Change 2003Z-138U-12. **Approved, 8-0**

**Resolution No. 2003 –395**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-138U-12 is **APPROVED. (8-0)**

The proposed CS district is consistent with existing commercial uses along Nolensville Pike.”

- 24. 2003Z-139U-12**  
Map 160, Parcels 54 and 223  
Subarea 12 (1997)  
District 31 (Toler)

A request to change from OR40 district to CL district property located at 5548 Franklin Pike Circle (4.02 acres) and part of property at 5588 Franklin Pike Circle (8.0 acres), located abutting the north margin of Old Hickory Boulevard (12.02 acres), requested by Craig Cole, GBT Realty Corporation for Brentwood Properties Limited Partnership, owner. (See PUD Proposal No. 94P-009U-12 below).

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST** - Rezone approximately 12.02 acres from office-residential (OR40) to commercial (CL) district property located at 5548 Franklin Pike Circle (4.02 acres) and part of property at 5588 Franklin Pike Circle (approx. 8.0 acres), located abutting the north margin of Old Hickory Boulevard.

**Existing Zoning**

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

**Proposed Zoning**

**CL district** - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

**SUBAREA 12 PLAN POLICY**

**Office Concentration** - 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** - Yes. The proposed zoning is inconsistent with the policy for the area. This site is located within an existing PUD overlay, which was created by Metro Council in 1994. The last subarea update in 1996 acknowledged the office PUD – and other surrounding office PUDs – and applied the Office Concentration policy to this general area. Commercial, retail, and restaurant uses that are complimentary to and supportive of office uses are needed in this area. The amount of proposed retail square footage far exceeds a “supportive” use for the surrounding office uses. The proposed square footage (172,517 square feet) will draw from a much larger area than simply supporting the existing office uses in the area.

**RECENT REZONINGS** - No

**TRAFFIC** - Based on the submitted Traffic Impact Study (TIS) this proposal could generate 12,012 daily trips.

**Public Works’ Recommendations**

Proposed PUD CL/Proposed PUD, Peak Hour Adj. Street Traffic  
AM trips = 667 PM trips = 686

See PUD proposal 94P-009U-12 for conditions that were provided by Metro Public Works following their review of the submitted Traffic Impact Study (TIS).

[See item #34 below for public hearing and Commission discussion. Zone Change Proposal 2003Z-139U-12, PUD Proposal 94P-009U-12, and 85-85-P-12 were heard on Public Hearing and discussed by the Commission together.]

The commission recessed at 9:00 p.m.

The commission resumed at 9:10 p.m.

Mr. Bernhardt rejoined the Commission at 9:10 p.m.

**25. 94P-009U-12**

Brentwood Properties - The Shoppes of Brentwood Hills  
Map 160, Parcels 54 and 223  
Subarea 12 (1997)  
District 31 (Toler)

A request to amend the existing undeveloped Planned Unit Development located abutting the north margin of Old Hickory Boulevard at Franklin Pike Circle, the majority of which is classified OR40 and that majority is proposed for CL, (14.42 acres), to permit the development of a 159,117 square foot retail center, 8,000 square foot office and a 5,400 square foot restaurant, approved for a 450,000 square foot six-story office building and a 15,000 square foot restaurant, requested by GBT Realty Corporation, for Richard M. Speer, owner. (See Zone Change Proposal No. 2003Z-139U-12 above).

**Staff Recommendation** - *Disapprove*

**APPLICANT REQUEST**

**Amend PUD** - Request to amend the preliminary PUD plan to allow for the development of 172,517 square feet of retail anchor, retail strip shops, restaurant, and office to replace the currently approved 450,000-square foot multi-story office building and 15,000-square foot restaurant. Property is located along the north margin of Old Hickory Boulevard and along the east margin of Franklin Pike Circle, east of Interstate 65.

**PLAN DETAILS**

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

**Associated Rezoning** - This development is also associated with a rezoning request to rezone approximately 12 acres of the 14.42-acre site from OR40 to CL. The requested rezoning is inconsistent with the current Subarea 12 Plan's Office Concentration (OC) land use policy for this area. Staff is recommending disapproval of that rezoning request.

**Site Access** - Access to the site is provided from Old Hickory Boulevard and Franklin Pike Circle via one ingress / egress and one ingress only point, and also from Brentwood Commons Way. A request to extend Brentwood Commons Way is also before the Commission as part of a request to revise the Brentwood Commons Commercial PUD (85-85-P-12).

**METRO PUBLIC WORKS' FINDINGS** - Metro Public Works provided comments and conditions based on the submitted Traffic Impact Study (TIS). They are as follows:

1. Restripe the southbound approach of Franklin Pike Circle at its intersection with Old Hickory Blvd. The restriping of this approach shall include 12 ft wide lanes for left, through and right turning movements.
2. Modify the traffic signal at Old Hickory Blvd. and Franklin Pike Circle to provide a southbound right turn overlap phase and a southbound left turn phase that operates concurrently with the northbound left turn signal phase.
3. Provide pedestrian crosswalks, signals and pushbuttons for the north, south and east legs of the Old Hickory Blvd. and Franklin Pike Circle intersection per Metro's ADA standards. Crosswalks are to be painted with thermoplastic paint.



4. Extend the existing eastbound left turn lane on Old Hickory Blvd. at Franklin Pike Circle. This left turn lane shall include 300ft of storage. The transition for this turn lane shall be designed per AASHTO standards.
5. Construct a sidewalk along the frontage of the proposed project site on Franklin Pike Circle.
6. Provide an internal pedestrian connection between the project site and the existing Holiday Inn and MTA bus stop adjacent to this PUD. A vehicular connection at this location shall be allowed with appropriate amendment of the adjacent PUD plan.
7. Provide a northbound 12 ft wide right turn lane on Franklin Pike Circle at the main project driveway. This turn lane shall include a minimum of 100ft. of storage. A smooth driving path through the curve shall be provided. This right turn lane shall be designed per AASHTO standards. The turn lane may need to be extended to Old Hickory Blvd to accommodate a smooth driving pattern.
8. Provide a right in/right out only 24 ft wide site access driveway off Old Hickory Blvd. without a raised concrete island. No median cut shall be allowed on Old Hickory Blvd. at this location. Construct a 12 ft wide westbound right turn lane on Old Hickory Blvd. with 100ft of storage at this intersection. The transition for this turn lane shall be designed per AASHTO standards.
9. Extend the existing eastbound left turn lane on Old Hickory Blvd. at the Brentwood Commons Drive. This left turn lane shall include 250' of storage with transition designed per AASHTO standards.
10. Modify the traffic signal at the intersection of Old Hickory Blvd. and Brentwood Commons Drive to include a southbound right turn overlap phase.
11. No traffic signal shall be installed at the access drive and Brentwood Commons unless justified by warrant analysis.
12. Provide adequate parking per Metro zoning ordinance.
13. Design southbound left turn lane on Old Franklin Pike Circle at Old Hickory Blvd. to allow a smooth driving pattern for southbound through movement traffic.
14. Provide 100ft throat at access drives in order to minimize conflict between internal site traffic and vehicles entering and exiting site.
15. Install a southbound left turn lane with 75' of storage with transition per AASHTO standards on Franklin Pike Circle at project entrance.

#### **CONDITIONS**

If this requested amendment is approved by the Planning Commission and / or the Metro Council, the Metro Public Works conditions (above) must be met.

*[See item #34 below for public hearing and Commission discussion. Zone Change Proposal 2003Z-139U-12, PUD Proposal 94P-009U-12, and 85-85-P-12 were heard on Public Hearing and discussed by the Commission together.]*

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## **X. PRELIMINARY SUBDIVISION PLATS**

26. **2002S-300G-14**  
 Towering Oaks  
 Map 98, Parcel 170  
 Map 109, Parcel 141  
 Subarea 14 (1996)  
 District 12 (Gotto)

A request for a revision to an approved preliminary plat for approval for 74 lots abutting the north margin of Stewarts Ferry Pike, approximately 1,191 feet west of South New Hope Road (30.06 acres), classified within the RS15 district, requested by Harvest Christian Fellowship, owner/developer, Batson and Associates, Inc., surveyor.

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST**

**Preliminary Plat** - Subdivide 30.06 acres into a 74-lot Cluster Lot subdivision, at a proposed density of 2.46 dwelling units per acre.

This item was originally approved December 12, 2002, as a 22 acre, 54-lot cluster subdivision. This submission adds approximately 8 acres and 20 lots to the north end of the property.

#### **ZONING**

**RS15 District** - RS15 district, requiring a minimum lot size of 15,000 square feet and permits a maximum of 74 single-family lots on this property.

**CLUSTER LOT OPTION** - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). Proposed lots range from 7,576 sq. ft. to 17,774 sq. ft.

Applicant has justified utilizing the cluster lot option because a blue-line stream, feeding into the Percy Priest Lake, crosses a significant section of the property towards the rear. In addition, the applicant is proposing that 22% of the site will be preserved as natural vegetation or open space. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase.

**Landscape Buffer Yards** - The cluster lot option allows perimeter lots abutting a conventional subdivision to be reduced in size the equivalent of one zoning district with the installation of a standard "B" landscape buffer yard, or lots may be reduced in size the equivalent of two zoning districts with the installation of a standard "C" landscape buffer yard. All landscape buffer yards must be located within common open space. In this proposal "C" landscape buffer yards are being utilized.

**SUBAREA 14 POLICY**-This subdivision falls within the Subarea 14 Policy's Residential Low Medium (RLM) policy, which supports a density range of about 2 to 4 dwelling units per acre. The applicant is proposing a unit density of 2.46 units per acre.

**PLAN DETAILS** - The plan provides for one point of access to the subdivision off Stewart's Ferry Pike, but four additional points of access to the subdivision are provided to the north, east, and west through stub-streets to future development. This application provides an example of a grid-type layout with multiple points of connectivity.

In addition, sidewalks are proposed along both sides of all new roadways, in accordance with current Public Works standards.

**PUBLIC WORKS** - Approve with the following conditions:

1. Use a single combination handicap ramp for 30-ft. radius curb lines. Eliminate the striped crosswalks in residential subdivisions.
2. Add and label a 3-ft. pedestrian access easement on the outside of all sidewalks
3. Approvals are subject to Public Works review and approval of construction plans.
4. Towering Oaks needs one left and one right exit lane, each 11-ft. wide with 75-ft. of storage and an appropriate AASHTO taper.

#### **CONDITIONS**

Staff recommends conditional approval of this plat subject to the submission of a revised plat complying with all Public Works conditions and the reduction of lots from 80 to 74 to meet the RS15 zoning requirements.

**Approved with conditions (10-0), Consent Agenda**

“BE IT RESOLVED by the Metropolitan Planning Commission that revision to Preliminary Plat 2002S-300G-14 is **APPROVED WITH CONDITIONS (10-0)**.

**Conditions of Approval:**

1. Use a single combination handicap ramp for 30-ft. radius curb lines. Eliminate the striped crosswalks in residential subdivisions.
2. Add and label a 3-ft. pedestrian access easement on the outside of all sidewalks
3. Approvals are subject to Public Works review and approval of construction plans.
4. Towering Oaks needs one left and one right exit lane, each 11-ft. wide with 75-ft. of storage and an appropriate AASHTO taper.
5. Staff recommends conditional approval of this plat subject to the submission of a revised plat complying with all Public Works conditions and the reduction of lots from 80 to 74 to meet the RS15 zoning

27. **2002S-128G-12**  
Simpson Creek  
Map 173, Parcel 47  
Subarea 12 (1997)  
District 32 (Coleman)

A request for preliminary plat approval for 18 lots abutting the west margin of Blue Hole Road, approximately 250 feet south of West Oak Highland Drive (5.0 acres), classified within the RS10 district, requested by Floyd K. Wilkinson, Lori D. Atchley and Judy Morgan, owners/developers, Bruce Rainey & Associates, surveyor.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST**

**Preliminary plat** - Subdivide 5 acres into a cluster lot subdivision with 18 single-family lots on the west margin of Blue Hole Road, approximately 250 feet south of West Oak Highland Drive.

**ZONING**

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

**SUBDIVISION DETAILS** - This subdivision consists of 18 lots centered around a cul-de-sac off of Blue Hole Road. The applicant is using the cluster lot option which allows for the reduction of minimum lot sizes two base zoning districts from the base zone designation of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 6,165 square feet to 10,868 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space-- in this case 32,672 square feet. The applicant complies with this requirement by proposing a total of 32,672 sq. ft. (15%) of open space, which equals the minimum open space acreage required.

The subdivision provides sidewalks on interior streets and along Blue Hole Road. Included as part of the open space is a 440 square foot cemetery. Prior to Planning Commission approval, a revised preliminary plat must be submitted providing a 10-foot buffer around the cemetery, as required by State Law.

Due to the topography, five lots along the western edge of the subdivision are depicted as “critical lots” with any plans subject to further review prior to the issuance of any building permits.

**TRAFFIC ENGINEER’S FINDINGS** - No exception taken.

**CONDITIONS**

1. Prior to Planning Commission approval of the preliminary plat, a revised preliminary plat must be submitted showing a 10-foot buffer of common open space around the cemetery, as required by Tennessee State law.
2. Prior to final plat approval, the State Archeologist must verify the location of the cemetery as shown on the final plat. If the location is different than the preliminary plat, the lots must be adjusted to provide a 10-foot buffer from the edge of the cemetery to any proposed lot and street right-of-way.

Mr. Reed presented and stated that staff is recommending approval with conditions. He stated that the Planning Staff has revised condition #1 by adding November 26, 2003 as a deadline for submitting a preliminary plat showing a 10-foot buffer of common open space around the cemetery.

Mr. Duke DuBuois, 5017 West Oak Highland, spoke in opposition to this proposal due to the topography and the erosion of the land.

Mr. James Trimback 5153 West Oak Highland Drive, Homeowners Association, spoke in opposition of this proposal asked for a deferral to discuss with Councilmember.

Ms. Lori Atchley, spoke in favor of the proposal.

Mr. Joseph Mabalot, President of Oak Highlands Homeowners Association, expressed concerns regarding the size of a home included in the proposal and requested that they defer so that a meeting could be set up with the Councilmember.

Ms. Jones expressed concern regarding the deferral of this proposal.

Councilmember Loring stated that the Commission had received a letter from Councilmember Coleman who stated he was not in favor of the proposal.

Ms. Nielson stated that there are issues associated with the project and that maybe a deferral should be granted, to allow time to find resolution to the issues mentioned.

Mr. McLean expressed concerns regarding the critical lots and the fact that they will be subject to further review prior to the issuance of any building permits.

Mr. Sweat requested additional information on the maintenance of the cemetery. He also suggested that the Commission review this case again before final approval.

Mr. Lawson expressed concerns regarding the restrictions included in the proposal and the Commission's control over them.

Mr. McLean moved, and Ms. Neilson seconded the motion to approve Subdivision No. 2003S-128G-12. **Approved, 9-0**

#### **Resolution No. 2003 –397**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-128G-12 is **APPROVED WITH CONDITIONS. (9-0)**

#### **Conditions of Approval:**

1. Prior to Planning Commission approval of the preliminary plat, a revised preliminary plat must be submitted showing a 10-foot buffer of common open space around the cemetery, as required by Tennessee State law.
2. Prior to final plat approval, the State Archeologist must verify the location of the cemetery as shown on the final plat. If the location is different than the preliminary plat, the lots must be adjusted to provide a 10-foot buffer from the edge of the cemetery to any proposed lot and street right-of-way.”

- 28. 2003S-136G-12**  
Second Addition to Sugar Valley Revision  
Map 181, Part of Parcel 19  
Subarea 12 (1997)  
District 31 (Toler)

A request for a revision to an approved preliminary plat for 152 lots abutting the east terminus of Sugarplum Road, approximately 150 feet east of Campton Road (42.99 acres), classified within the RS10 District, requested by Sugar Valley G. P., owner/developer, Anderson-Delk & Associates Inc., surveyor.

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST**

**Revise Preliminary Plat** - A request to revise the preliminary plat and subdivide 42.99 acres into 152 single-family lots in four phases, at the terminus of Sunnywood Drive, north of Culbertson Road.

#### **Existing Zoning**

**RS10 district** - RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 dwelling units per acre. The zoning on this property allows a maximum of 159 single-family lots.

**Zoning History** - This property was rezoned to RS10 in April of 2003 (Council Bill BL2003-1325). The Planning Commission recommended approval.

**Subdivision History** - A preliminary subdivision plat was approved by the Planning Commission on June 12, 2003, for 134 single-family lots.

**Cluster Lot Option** - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification or RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,300 square feet to 12,000 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. This plan complies with this requirement by including a total of 9.79 acres (23.3%) of open space, which exceeds the minimum open space acreage required.

#### **SUBDIVISION DETAILS**

**Street Connectivity** -As was a condition of the zone change for the property, no access is provided to Culbertson Road. The proposed plat provides connections to the three existing stub streets within the Sugar Valley PUD to the north, as was planned with that PUD. This plan also provides three stub-streets to the east for future development, and one to the north.

Since the original preliminary plat was approved in June 2003, the applicant has completed a final certified boundary survey. This survey more accurately depicts the location of the Columbia Gas Line easement running through the property, which has allowed the addition of 18 lots.

**Floodplain** - Only 1.91% (0.8 acres) of this site lies within the Mill Creek floodplain. The plan proposes more than 50% of this area to remain undisturbed.

**Public Works Recommendation** - The Public Works Department has indicated that the conditions that were made part of the zone change bill for this property will apply:

#### **Zone Change Conditions:**

1. The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.
2. The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO

standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.

3. Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access, which is another portion of the site included in the original rezoning of this property. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.
4. The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.

**CONDITIONS**

1. Prior to the recording of a final plat, bonds must be posted to secure the satisfactory construction of public improvements, including conditions outlined in Council Bill BL2003-1325.
2. As per note #9 on the previously approved preliminary plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –398**

“BE IT RESOLVED by the Metropolitan Planning Commission that revision to approved Preliminary Plat is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.
2. The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.
3. Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access, which is another portion of the site included in the original rezoning of this property. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.
4. The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.
5. Prior to the recording of a final plat, bonds must be posted to secure the satisfactory construction of public improvements, including conditions outlined in Council Bill BL2003-1325.
6. As per note #9 on the previously approved preliminary plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.”

**29. 2003S-275G-10**

Maryland Commons, Resubdivision of Lot A, Maryland Farms, 2<sup>nd</sup> Resubdivision, Lot 2  
Map 159, Parcel 204  
Map 170, Parcel 10  
Subarea 10 (1994)  
District 34 (Williams)

A request for preliminary plat approval for 2 lots abutting the south margin of Old Hickory Boulevard, approximately 75 feet west of Autum Way Drive (15.8 acres), classified within the OR20 district, requested by Maryland Commons, LLC & Andrews Property Holding, owners, Ragan-Smith Associates, Inc., surveyor.

**Staff Recommendation** - *Approve with conditions*, including the approval of the construction plans by Public Works prior to the Planning Commission meeting.

#### **APPLICANT REQUEST**

**Preliminary Plat** - Request to subdivide two lots into two lots with a new public road, Creekside Crossing, extending from Brentwood to Davidson County.

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

**PLAN DETAILS** - This request is to construct a new street between two existing lots. The new street, Creekside Crossing, is located on Old Hickory Boulevard directly across from Woodward Hills Place, between Brentwood Boulevard and Westpark Drive. This request was approved by the Planning Commission as a concept on January 10, 2002, with the following conditions:

“The plat and plans submitted shall detail the following, including but not limited to:

1. The location, length, and width of each left-turn lane on Old Hickory Boulevard;
2. The location and number of existing Bradford Pear trees proposed for removal within the Old Hickory Boulevard median (if any);
3. All proposed striping on Old Hickory Boulevard, Creekside Crossing, and Maryland Way necessary for Creekside Crossing’s signalization and the proposed left-turn lanes;
4. The proposed Creekside Crossing intersection design (lanes, turning movements) at Old Hickory Boulevard and Cadillac Drive;
5. Information concerning the type of signal to be installed;
6. Any special signalization changes necessary along Old Hickory Boulevard, including Westpark Drive and Brentwood Boulevard;
7. The submittal of a revised, approved, and recorded plat by the City of Brentwood for the existing Tower Center development showing a relocated access drive aligning with Creekside Crossing, a secondary access point on that same property westward along Cadillac Drive (west of the current drive), and abandonment of the current access point into the Tower Center development. (The Tower Center development refers to Site 73 on the Maryland Farms Office Park, Development Status Plan dated 12/8/00 and prepared by Ragan-Smith Associates).”

The City of Brentwood will require sidewalks on one side of Creekside Crossing. The construction plans show the sidewalk located on the western side of the right-of-way, extending from Cadillac Drive northerly to Old Hickory Boulevard. Generally, in Brentwood, since the sidewalk is a future improvement it is not shown on plats.

The applicant has addressed the conditions listed above as follows:

1. Location, length, and width of each left turn lane on Old Hickory Blvd. (proposed);
2. Westbound approach: 11-foot width, 250-foot storage, 175-foot taper;
3. Southbound approach: 11-foot width, 75-foot storage, 150-foot taper;
4. All proposed striping, signalization and intersection design standards on Old Hickory Boulevard and Creekside Crossing comply with Public Works requirements;
5. Existing signals at Westpark Drive and Brentwood Boulevard remain unchanged;
6. A site plan was submitted showing the removal of the required parking lot entrance to the south, while the original condition of approval was for its relocation. This plan meets the intent of the original condition.

**PUBLIC WORKS FINDINGS** - Approval subject to final construction plans review and approval and bonding of the portions in Davidson County prior to recording of the plat.

The developer/contractor must submit plans to the Public Works Utility Section and obtain lane closure and excavation permits prior to doing any work in the existing right-of-way.

**CONDITIONS** - Staff recommends conditional approval of this plat subject to the submission of a revised plat including the following:

1. Add subdivision number 2003S-275G-10
2. A note stating that the Stormwater Quality Provisions will be subject to Williamson County regulations.
3. Add the note, “Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No.78-840 and approved by the Metropolitan Department of Water Services.
4. Show sidewalk on the western portion of Creekside Crossing within Davidson County.

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –399**

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat Approval 2003S-275G-10 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. Add subdivision number 2003S-275G-10
2. A note stating that the Stormwater Quality Provisions will be subject to Williamson County regulations.
3. Add the note, “Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No.78-840 and approved by the Metropolitan Department of Water Services.
4. Show sidewalk on the western portion of Creekside Crossing within Davidson County.”

**XI. FINAL PLATS**

- 30. 2003S-249G-14**  
 Brandywine Farms, Resubdivision of Lot 294  
 Map 54-14, Parcel 100  
 Subarea 14 (1996)  
 District 11 (Brown)

A request for final plat approval to remove the reserve status on one lot abutting the terminus of Cherry Branch Lane, approximately 675 feet west of Willowbough Lane, classified RS30, (1.09 acres), requested by Herman Brown and Susan Owen et al, owners, Dale and Associates, surveyor.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - A request for final plat approval to remove the reserve status on one lot abutting the terminus of Cherry Branch Lane, approximately 675 feet west of Willowbough Lane (1.09 acres).

**ZONING**

**RS30 District** - RS30 district requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23 dwelling units per acre. The proposed buildable lot is approximately 47,319 square feet.

**SUBDIVISION DETAILS** - This lot was classified as a reserve lot because of lack of access to sewerage. That lack of access has been resolved through accessing the public sewer in the adjoining subdivision, Brandywine Harbor, through public utility and drainage easements, to Harbor Cove Drive. Metro Water Services recommends approval.

**PUBLIC WORKS COMMENTS** -No exception taken.

**Approved (10-0), Consent Agenda**



**Resolution No. 2003 –400**

“BE IT RESOLVED by the Metropolitan Planning Commission that Final Plat No. 2003S-249G-14 is **APPROVED. (10-0)**”

- 31. 2003S-278U-10**  
Glenn Monroe Property, Resubdivision of Reserved Parcel  
Map 104-10, Parcel 205  
Subarea 10 (1994)  
District 18 (Hausser)

A request to remove the reserve status on a lot abutting the east margin of 32nd Avenue South, approximately 160 feet south of Overlook Drive (0.4 acres), classified within the R8 district, requested by Galen Lenhart, owner, Campbell, McRae and Associates, Inc., surveyor.

**Staff Recommendation** - Approve with conditions.

**APPLICANT REQUEST**

**Final Plat** - Create lot from an existing reserve parcel at 32nd Avenue South near Overlook Drive (0.4 acres), classified within the R8 District.

**ZONING**

**R8 District** - R8 district, requiring a minimum lot size of 8,000 square feet and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS** - This request is consistent with the existing zoning of the property. The original plat, recorded June 17, 1971, states, “Reserved – not to be used as a building site until approved by the Metropolitan Planning Commission.” There is no other reason listed on the plat explaining why this parcel was reserved.

The Stormwater Management Committee has granted an appeal to allow the grading permit to be obtained after recordation of this plat and not to require Stormwater detention for this lot.

**TRAFFIC ENGINEER’S FINDINGS** - No exception taken.

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

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Water Services approval is required prior to plat recordation.

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –401**

“BE IT RESOLVED by the Metropolitan Planning Commission that Plat No. 2003S-278U-10 is **APPROVED WITH CONDITIONS. (10-0)**”

**Conditions of Approval:**

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Water Services approval is required prior to plat recordation.”

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**XII. PLANNED UNIT DEVELOPMENTS (revisions)**

32. **135-78-G-14**  
Sullivan Commercial Center  
Map 86, Parcels 61, 257 and 258  
Subarea 14 (1996)  
District 12 (Gotto)

A request for a revision to the preliminary and for final approval for a portion of the undeveloped Commercial Planned Unit Development located abutting the east margin of Andrew Jackson Parkway, north of Old Hickory Boulevard, classified CL, (.68 acres), to permit the development of an automobile oil change facility, requested by Dale and Associates for Jim Stevens Realty and Auction, owner.

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST**

**Revise Preliminary & Final** -Request to revise the preliminary PUD plan and for final PUD approval for the Sullivan Commercial Center PUD to allow for the development of a 1,992-square foot oil change facility. The property is located between Andrew Jackson Parkway (Chandler Road) and Andrew Jackson Way, approximately 550 feet north of Old Hickory Boulevard.

#### **PLAN DETAILS**

**History** - This PUD was originally approved by the Metro Council in 1978 as a commercial PUD. Since there is no plan on file for this Commercial PUD, the uses allowed under the Commercial PUD provisions in COMZO are used as the allowable uses along with the current base zoning. This PUD has a base zoning of CL (Commercial Limited), which allows for the development of an oil change facility under the automotive service definition, and was allowed in a Commercial PUD at the time of the adoption of this PUD.

**Proposed Plan** - The submitted plan proposes a quick-change oil facility that is to be located in the northwest corner of the property along Andrew Jackson Parkway (Chandler Road). Access to the site will be via a previously-platted private access easement that travels across the property to Andrew Jackson Way. There is no direct access to Andrew Jackson Parkway (Chandler Road).

**METRO PUBLIC WORK'S COMMENTS** - Public Works provided two comments on the sidewalk that is to be reconstructed along Andrew Jackson Parkway. Both of those comments have been addressed per Public Works' requests.

#### **CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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 (10-0), Consent Agenda**

#### **Resolution No. 2003 -402**

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 135-78-G-14 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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."

- 33. 36-76-G-14**  
 Belle Acres, Section 2, Phase 3  
 Map 95-05-0B, Parcel 137  
 Subarea 14 (1996)  
 District 14 (White)

A request for final approval for a phase of the Planned Unit Development located abutting the north margin of Lebanon Pike, south of Mill Creek, classified RS10, (7.50 acres), to permit the development of 34 multi-family units, requested by Dale and Associates for David Taylor, owner.

**Staff Recommendation - *Approve with conditions***

**APPLICANT REQUEST**

**Final PUD** - Request for final PUD approval to allow for the development of 34 townhomes on a 7.5-acre portion of a 34.2-acre multi-family PUD. The property is located along the east side of Lebanon Pike and south of Mill Creek – just across the creek from the proposed marina facility.

**PLAN DETAILS**

History Section 2 of the preliminary PUD plan was revised in June 2001 to allow a total of 135 townhomes to be constructed in three phases. The 2001 revision also established the 75-foot conservation easement for the future Mill Creek Greenway Trail and proposed an emergency access gate on the south side of the site at Lynmeade Drive.

The most recent change to the PUD plan was a revision to Section 2 of the preliminary plan, approved by the Planning Commission on June 26, 2003. The June 2003 revision allowed for the addition of 74 townhouse units, which brought the total number of units for phase 2 up to 209. The original Council approved PUD plan allowed for 303 units for phase 2.

**Proposed Plan** - The submitted plan proposes 34 townhouse units located along a single spine road accessed from section 2, phase 2, with a landscaped cul-de-sac at the end of the private drive. This phase of section 2 is the beginning of the Mill Creek Greenway Trail, which will extend from the western property line, adjacent to this proposal, to the bridge at Lebanon Pike. The greenway trail will also connect to the proposed marina on the north side by way of a new pedestrian bridge proposed by the marina development. This plan, as submitted, is consistent with the most recently revised preliminary plan.

**METRO PUBLIC WORK'S COMMENTS** - No exception taken

**CONDITIONS**

1. The final plat for section 2 of the Belle Acres development shall be platted delineating and noting the 75-foot Dedicated Conservation / Greenway Public Access Trail Easement Area.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes

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

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

**Approved with conditions (10-0), Consent Agenda**

**Resolution No. 2003 –403**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 36-76-G-14 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. The final plat for section 2 of the Belle Acres development shall be platted delineating and noting the 75-foot Dedicated Conservation / Greenway Public Access Trail Easement Area.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field

- 34. 85-85-P-12**  
Brentwood Commons  
Map 160, Parcel 211  
Subarea 12 (1997)  
District 31 (Toler)

A request for a revision to the preliminary plan for a portion of the Planned Unit Development located abutting the north margin of Old Hickory Boulevard, east of I-65, classified OL, (56.14 acres), to permit the adjoining PUD, The Brentwood Properties PUD, to construct a new driveway to an existing public road, Brentwood Commons Way, within this PUD, requested by Gresham, Smith and Partners for American General Insurance Company, owner.

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST**

**Revise Preliminary PUD** - Request to revise the preliminary PUD plan to allow for the extension of Brentwood Commons Way, a permanent cul-de-sac that extends north off Old Hickory Boulevard, west of the American

General facility, so as to provide an additional point of connectivity between the Brentwood Properties PUD, Brentwood Commons PUD, and Old Hickory Boulevard. This proposal also includes the installation of a new traffic signal at the end of this cul-de-sac where the adjacent PUD is proposed to connect.

**PLAN DETAILS** - The proposed revision extends Brentwood Commons Way to the north and west to allow for an additional point of ingress and egress to the adjacent PUD. Staff recommends approval of the requested revision since it furthers the intent of the recent Subdivision Regulations update, which emphasizes connectivity. This connection would assist in easing traffic impacts on Franklin Pike Circle, regardless of what ultimately is constructed on the Brentwood Properties PUD (94P-009U-12). The Brentwood Properties PUD is on this same agenda for a PUD amendment to allow for the development of 172,000 square feet of retail, restaurant, and office.

**METRO PUBLIC WORKS' FINDINGS** - "We have been unable to identify any previous conditions that would disallow the road connection with the adjacent Brentwood Hills PUD. We will approve a connection between these two sites. We will not approve the traffic signal without warrant analysis documentation justifying the signal installation."

#### **CONDITIONS**

1. A new traffic signal shall not be installed at this new intersection unless and until a traffic signal analysis has been completed and approved by Metro Public Works.

Mr. Mitchell presented and stated that staff is recommending disapproval of the zone change, and the disapproval of the PUD amendment of Brentwood Properties, but approval with conditions to the revision of the PUD of Brentwood Commons.

Councilmember Loring stepped back into the meeting at 8:30.  
Ed Owens, Project Engineer, GS&P, spoke in favor of the rezoning.

Mr. David Huff, 5720 Brentwood Trace, Brentwood Trace Homeowners Association, asked that the Commission follow staff recommendation on this proposal.

Mr. Jeff Haynes, 750 Old Hickory Blvd., spoke in opposition to the proposal due to the density of the project.

Mr. Johnathon Culverson, a resident of the area, spoke in opposition to the proposal.

Mr. Bruce Cole, 5240 Franklin Pike Circle, spoke in favor of the development.

Ms. Kerri Harwood, 741 Baxter Lane, spoke in opposition to the development due to traffic congestion and the decreased value of the neighborhood if approved.

Mr. Bob Murphy, RPM Traffic Engineer, spoke in favor of the project due to the results of a traffic impact study that was completed.

Mr. Donald Bishop, 730 Hill Road, stated that he agreed with staff recommendation.

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

Mr. Jim Brannon, 5306 Stonegate Place, spoke against the proposal due to traffic congestion that would be imposed.

Mr. David Deeb, 781 Hill Road, spoke in opposition to the project.

Mr. McLean expressed concerns regarding traffic issues.

Mr. Clifton expressed concerns regarding the proposed zoning of the proposal. He also spoke of the traffic issues.

Ms. Cummings spoke of the proposed zoning and its overwhelming affect on the community.

Mr. Tyler expressed concerns regarding traffic and the need for commercial zoning in the area.

Mr. Lawson also expressed concerns regarding the commercial zoning for the area.

Mr. Clifton moved, and Mr. McLean seconded the motion to approve staff recommendation – disapproval of Zone Change No. 2003Z-139U-12, disapproval of Planned Unit Development No. 94P-009U-12 and approval of Planned Unit Development No. 85-85-P-12. **Approved, (9-0)**

**Resolution No. 2003 –404**

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-139U-12 is **DISAPPROVED. (9-0)**

The proposed CL district is not consistent with the Subarea 12 Plan’s Office Concentration (OC) policy. Commercial, retail, and restaurant uses that are complimentary to and supportive of office uses are needed in this area. The amount of proposed retail square footage far exceeds a “supportive” use for the surrounding office uses. The proposed square footage (172,517 square feet) will draw from a much larger area than the existing office uses in that area.”

**Resolution No. 2003 –405**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 94P-009U-12 is **DISAPPROVED. (9-0)**”

**Resolution No. 2003 –406**

“BE IT RESOLVED by the Metropolitan Planning Commission that 85-85-P-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. A new traffic signal shall not be installed at this new intersection unless and until a traffic signal analysis has been completed and approved by Metro Public Works.”

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- 35. 102-86-P-06**  
Riverside  
Map 142, Parcel 120  
Map 142-13B, Parcel 1  
Subarea 6 (2003)  
District 35 (Tygard)

A request to amend the Planned Unit Development located abutting the south margin of Northridge Drive, west of Morton Mill Road, classified RS20, (14.07 acres), to add a new public street and 10 new single-family lots to the overall development, approved for 254 single-family lots and proposed for 264 single-family lots, requested by Walter Davidson and Associates for Rochford Construction Company, owner.

**Staff Recommendation - *Approve with conditions***

**APPLICANT REQUEST**

**Amend Preliminary** - Request to amend the preliminary master plan for the Riverside Residential PUD to allow for the addition of 10 residential lots, bringing the total number of lots from 254 to 264. The property is located south of New Morton Mill Road and west of Old Harding Pike.

**ZONING**

**RS20** - RS20 district 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.

**PLAN DETAILS** - The proposed plan includes the addition of 10 single-family lots to the last portion of developable land, which will be Phase 7. The most recently amended plan was adopted by Metro Council on August 4, 1992. That amended plan added 11 acres to the PUD plan. On that plan, seven lots and a very small cul-

de-sac were proposed where the current expansion is proposed. The Frank H. Carter tract, which has always been in the PUD as one lot, will now be used to extend the dead-end street and provide for the addition of three lots. The site design of the proposed plan does not propose significant changes from the currently approved plan. The proposed plan simply extends the previously approved shorter cul-de-sac. Stormwater management will be handled via a storm-pipe system that will drain to the existing lake.

With the addition of 10 lots, the applicant is proposing to incorporate an existing lot, directly across the street from this new street and adjacent to the existing playground, back into common open space.

**METRO PUBLIC WORK'S FINDINGS** - No exception taken, subject to construction plan approval at the final PUD stage.

#### **CONDITIONS**

1. 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.

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

Ms. Andrea Dowdy, 925 Glenridge Lane, spoke in opposition to the proposal. She submitted a petition with signatures of those who were also opposed to the development. She also submitted photos displaying the development site. She stated that she bought her piece of property with the understanding that the proposal site would never be developed.

Mr. Brad Mitchell, 929 Glenridge Lane, spoke in opposition to the project due to the loss of privacy for his home, possibility of landslides because of the topography of the land and stated that there is already a problem with runoffs for this area.

Mr. Dr. Paul Peterson, 928 Glenridge Lane, spoke in opposition to the development due to the stability of the land and the possible runoffs associated with it.

Mr. Walter Davis, Engineer, spoke in support of the proposal. He stated that there was never a promise that this land would not be developed. He stated that he would investigate the land slide issue and methods for controlling water run offs.

Ms. Laura Mitchell, 929 Glenridge Lane, spoke in opposition to the proposal due to the topography of the land and water runoff. She indicated that the hill is too steep for development and there is already a drainage problem.

Mr. Sweat expressed concerns regarding the stability of the soil and the retaining walls that are currently in place. He feels this should be either deferred or disapproved. If deferred, this would allow the developer to meet further with the community and the land could be re-examined by an engineer to study the land slide issues.

Mr. Bernhardt explained that this proposal is not a subdivision request and that it is a request to amend a planned unit development and will require an ordinance by Council to amend.

Ms. Nielson explained that at the time that this subdivision was first being developed that there were many issues associated with it. She stated that the current issues certainly warrant additional examination and resolution.

Geotechnical analysis of the soil and the development of the property

Mr. Stewart moved, and Mr. McLean seconded the motion to defer this proposal to January 8, 2004, with specific action from the staff to obtain additional geotechnical information from the developer regarding the stability of the soil, and for staff to research the history of this development and a detailed public decision-making process.

Nashboro Square Commercial  
Map 135, Parcel 253  
Subarea 13 (2003)  
District 29 (Wilhoite)

A request for a revision to an undeveloped phase of the Planned Unit Development located abutting the east margin of Murfreesboro Pike at Brooksboro Place, classified R10, (1.12 acres), approved for a 5,000 square foot bank/restaurant and proposed for a 7,000 square foot retail store, requested by Palmer Engineering for Robert Trent, owner.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST**

**Revise Preliminary & Final PUD** - Request to revise the preliminary plan and for final PUD approval for Lot E of the Nashboro Square Commercial PUD to allow for the development of a 7,000-square foot AutoZone retail store. The property is located at the northeast corner of Murfreesboro Pike and Brooksboro Place.

**PLAN DETAILS**

**History** - The applicant is proposing to construct a 7,000-square foot retail facility where a 5,000-square foot restaurant or bank could have been constructed, per the approved master plan. Although the base zoning is R10, the proposed retail use is consistent with the approved master plan, which had retail on other parts of the plan. Therefore, an amendment of the PUD before Metro Council is not required at this time.

**Proposed Plan** - The site design, including building layout and driveway locations, of the proposed plan is essentially identical to the currently approved plan. The proposed plan accounts for the required parking and shifts the north ingress/egress point to the west to align with the existing retail facility across the private access drive. The subject site originally had the north ingress/egress point aligned with the Lot A access drive, but that site has yet to be developed.

**METRO PUBLIC WORK'S FINDINGS** - Metro Public Works staff requested that the north ingress/egress point be shifted back to the previously approved location.

As of November 7, 2003, the applicant has revised the plan to relocate the north point of ingress/egress to the currently approved location as requested by Public Works. Accordingly, Public Works has accepted the revised traffic layout for the project.

**CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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 (10-0), Consent Agenda**



**“BE IT RESOLVED** by the Metropolitan Planning Commission that PUD No. 88P-068G-13 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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.”

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- 37. 94P-025G-06**  
Highway 70 South Joint Venture  
Map 142, Parcels 31, 32, 33 and 157  
Subarea 6 (2003)  
District 22 (Crafton)

A request to cancel the undeveloped residential portion of the Residential/ Commercial Planned Unit Development located abutting the southeast corner of Memphis-Bristol Highway and Sawyer Brown Road, classified RM20, (4.57 acres), approved for a 104 unit apartment complex, requested by Mulderrig Realty for Sandra Singletary, Claudia C. Patterson and Alisa Steverson, Ralph and Evelyn Ferrell, Thomas Hewitt, Jr., and Michael Carvalho, owners.

**The Metropolitan Planning Commission deferred Planned Unit Development No. 94P-025G-06 indefinitely at**

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- 38. 98P-007U-12**  
Seven Springs  
Map 160, Parcel 241  
Subarea 12 (1997)  
District 31 (Toler)

A request for final approval for a undeveloped portion of the Planned Unit Development located abutting the north margin of Old Hickory Boulevard, opposite Cloverland Drive, classified OR40, (1.45 acres), to permit the construction of a 2-story, 19,250 square foot office building, requested by Ragan- Smith and Associates for Seven Springs Associates, owner.

**Staff Recommendation - *Approve with conditions***

**APPLICANT REQUEST**

**Final PUD** - Permit the development of a 19,250-square foot office building on Lot 2. Lot 2 is a 1.45-acre portion of the 42.2-acre section, of the Seven Springs Planned Unit Development, located along the north margin of Old Hickory Boulevard and across from the north terminus of Cloverland Drive.

**PUD / PLAN DETAILS**

**History** - On March 24, 1999, the Metro Council approved the preliminary PUD plan proposing an office subdivision consisting of 1,029,000 square feet of office, assisted living, and independent living facilities.

On October 26, 2000, the first phase received final PUD approval by the Planning Commission. This final approval allowed for the development of the existing 5-story office building on parcel 243.

**Proposed Plan** - The Lot 2 (Realtracs) plan proposes a 19,250-square foot building that is centrally located on lot 2 of the PUD, at the northeast corner of the intersection of Old Hickory Boulevard and Seven Springs Way / Cloverland Drive. Access to the site will be provided via two points of ingress / egress that are located on the north end of the site off of an internal private drive. The proposed plan is consistent with the Council approved preliminary PUD plan.

**METRO PUBLIC WORK'S COMMENTS** - A condition of approval of the October 26, 2000, revision to preliminary and final approval was that the developer submit a letter of commitment to the Department of Public Works indicating a commitment to provide \$70,000 for certain roadway improvements to Cloverland Drive. The developer successfully complied with this requirement by establishing a \$70,000 bond with the Planning Department and Metro Public Works. This transaction was confirmed by the official acceptance of the funds per ordinance no. BL2001-589.

Public Works further noted that their recommendation of approval was subject to meeting all previous conditions from prior phases.

#### **CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.
4. 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 (10-0), Consent Agenda**

#### **Resolution No. 2003 -408**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that PUD No. 98P-007U-12 is **APPROVED WITH CONDITIONS. (10-0)**

#### **Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. 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.

4. 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.”

- 39. 2003P-015U-05**  
Sam Levy Homes  
Map 82-11, Parcels 56, 72, 73, 79, and 104-149, and 158  
Subarea 5 (1994)  
District 5 (Murray)

A request to cancel the Residential Planned Unit Development, Sam Levy Homes, located at Meridian Street and Foster Street, classified RM20, (33.61 acres), approved for 480 multi-family units, requested by Metropolitan Housing and Development Office, MDHA, owner.

**Staff Recommendation** - *Approve*

#### **APPLICANT REQUEST**

**Cancel PUD** - Cancel a portion of the “Res-E” Residential PUD that was approved with 480 multi-family units, located east of Spring Court, and south of Marina Street.

#### **DETAILS OF REQUEST**

**History** - The current PUD contains 480 public housing units. There were a number of “Res-E” Residential PUDs adopted by the Metro Council in 1974 to recognize existing public housing developments and the existing Res. E zoning that was put in place prior to COMZO to recognize public housing developments. There was never a master plan adopted with these public housing PUDs. With the Zoning Map updates over the years, the base zoning has been updated for most of the Res-E PUDs

**Proposed Plan** - The applicant, Metropolitan Development & Housing Agency (MDHA), is requesting to cancel the portion of the PUD owned by MDHA because they plan to rehabilitate and redevelop the Sam Levy Homes site with updated housing units. The PUD creation appears to have been done to recognize the “Res-E” Zoning already in place. Cancellation of this PUD, therefore, will not have a negative effect on the surrounding community, and will enable MDHA to more efficiently redevelop this site.

If ultimately approved by Metro Council, two large portions of this PUD will remain in place on both sides of this site. On the west side, adjacent to the interstate and south of Hancock Street, is a large section of the “Res-E” PUD that is currently owned by a private company, along with individually owned properties. On the east side, the PUD crosses Ellington Parkway and wraps completely around the Fred Douglas Park. This eastern portion of the PUD primarily contains individually owned properties.

**Approved (10-0), Consent Agenda**

#### **Resolution No. 2003 –409**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-015U-05 is **APPROVED. (10-0)**”

- 40. 2003P-016U-08**  
The Home Plate Sports Bar  
Map 81-08, Parcel 30  
Subarea 8 (2002)  
District 19 (Wallace)

A request for preliminary approval for a Planned Unit Development located at the southeast corner of Clay Street and 9th Avenue North, classified CS, (.37 acres), to permit an existing restaurant an exemption from the minimum

distance requirements included in the beer provisions of the Metro Code, by Dodson, Parker, Dinkins and Behm, P.C., for Penny Graham, owner.

**Staff Recommendation - Approve**

#### **APPLICANT REQUEST**

**Preliminary & Final PUD** - Request for preliminary and final PUD approval to allow for a distance exemption from the beer licensure requirements for a proposed restaurant that is to be located at 1928 9<sup>th</sup> Avenue North. The property is located at the southeast corner of 9<sup>th</sup> Avenue North and Clay Street.

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

#### **EXISTING ZONING**

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

Although a restaurant / bar is a permitted use by right within the CS district, the intent of this PUD is to provide the Metro Council the ability to decide whether they, as the Council body, believe that an applicant will be exempt from the distance requirements from certain uses as required in order to obtain a license to sell beer on premise.

#### **PLAN DETAILS**

The plan proposes the renovation of an existing 2,915-square foot building that will fronts both Clay Street as well as 9<sup>th</sup> Avenue North. All parking is proposed to the rear and side of the building with access off of 9<sup>th</sup> Avenue North.

**METRO PUBLIC WORKS' FINDINGS - No Exceptions Taken**

**RECOMMENDATION** - Staff recommends approval of the request to establish a commercial PUD over the property which is currently zoned CS district. This property is located within Subarea 8 and is designated as Mixed Use in Neighborhood Center under the Detailed Land Use Plan. The Neighborhood Center land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially-supportive uses. As stated in the Jones / Buena Vista Detailed Neighborhood Design Plan, "Clay Street and 9th Avenue North, with its location along two civic/open space connectors, should develop as a Neighborhood Center as development pressures warrant. Several opportunities for small mixed-use buildings exist at this intersection."

#### **CONDITIONS**

1. 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.

**Approved with conditions (10-0), Consent Agenda**

#### **Resolution No. 2003 –410**

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-016U-08 is **APPROVED WITH CONDITIONS. (10-0)**

#### **Conditions of Approval:**

1. 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.”

- 41. 2003P-018U-05**  
Beyond the Edge PUD  
Map 83-09, Parcel 222  
Subarea 5 (1994)  
District 6 (Jameson)

A request for preliminary approval for a Planned Unit Development located at 112 South 11th Street, classified CS, (.19 acres), to permit a restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code, requested by Matthew Charette, Beyond the Edge, for Charles and Suzanne Noble, owners.

**Staff Recommendation - Approve**

#### **APPLICANT REQUEST**

**Preliminary & Final PUD** - Request for preliminary and final PUD approval to allow for a distance exemption from the beer licensure requirements for a restaurant located at 112 South 11<sup>th</sup> Street. The property is located mid-block along the west margin of South 11<sup>th</sup> Street.

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

#### **EXISTING ZONING**

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

Although a restaurant / bar is a permitted use by right within the CS district, the intent of this PUD is to provide the Metro Council the ability to decide whether they, as the Council body, believe that an applicant will be exempt from the distance requirements from certain uses as required in order to obtain a license to sell beer on premise.

#### **PLAN DETAILS**

The plan shows the utilization of an existing 1,800-square foot building that fronts South 11<sup>th</sup> Street. All parking is located to the north (side) of the building on two adjacent parcels.

**METRO PUBLIC WORKS' FINDINGS** - No Exceptions Taken

**RECOMMENDATION** - Staff recommends approval of the request to establish a commercial PUD over the property, which is currently zoned CS district. This property is located within Subarea 5 and is designated as Mixed Use land use policy. The mixed-use land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially supportive uses.

#### **CONDITIONS**

1. 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.

**Approved with conditions (10-0), Consent Agenda**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-018U-05 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. 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.”

**XIII. MANDATORY REFERRALS**

- 42. 2003M-116U-14**  
Name Alley #2090 & Part of Alley #2089 to "Spring Valley Lane"  
Map 95-08  
Subarea 14 (1996)  
District 15 (Loring)

A request to name alley #2090 and part of alley #2089, between Spring Valley Road and Alley #2090 to "Spring Valley Lane", requested by the Assistant Director of Public Works. This will allow homes located along these alleys to place mailboxes in front of their homes instead of on Spring Valley Road.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - A request to name alley # 2090 and part of alley # 2089, between Spring Valley Road and Alley # 2090 to "Spring Valley Lane," requested by Public Works on behalf of Councilmember J. B. Loring.

**DEPARTMENT AND AGENCY COMMENTS** - The applicant has requested that these alleys be officially named "Spring Valley Lane." This will allow homes located along these alleys to place mailboxes in front of their homes instead of on Spring Valley Road.

Staff recommends approval of the requested naming.

Public Works also recommends approval of this change.

Notices were sent to all property owners that directly abut the affected portion of roadway.

**Approved (10-0), Consent Agenda**

**Resolution No. 2003 –412**

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-116U-14 is **APPROVED. (10-0)**”

- 43. 2003M-117U-08**  
Awning Encroachment at 1200 5<sup>th</sup> Avenue North  
Map 82, Parcel 484  
Subarea 8 (2002)  
District 19 (Wallace)

A request to install six awnings, measuring 47" x 30" projections awnings totaling 60' 5" linear feet; aluminum frame painted black; with three silk screened logos, by the Department of Public Works for Empire Sign Systems at 1200 5th Avenue North, to encroach on 5th Avenue right-of-way to allow for an awning in the public right-of-way, approximately 48 feet from Madison Avenue.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request for awning encroachment located at 1200 5th Avenue North, at the northeast corner of 5th Avenue North and Madison Avenue, requested by Empire Sign Systems for Germantown Café.

**APPLICATION REQUIREMENTS**

**License to Encroach Agreement** - Yes, one was submitted

**Insurance Certificate** - Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage.

**Property Owner Sign Application** - No

**Tenant Sign Application** - Yes

**DEPARTMENT AND AGENCY COMMENTS**

**Planning** - This request is for the installation of six canvas awnings on aluminum frames with silk screened logos. The awnings will project 30 inches from the building and have a total length of 60.5 feet.

**Public Works** - This item is recommended for approval by Metro Public Works.

**Approved (10-0), Consent Agenda**

**Resolution No. 2003 –413**

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-117U-08 is **APPROVED (10-0).**”

- 
- 44. 2003M-118U-09**  
Lease Agreement  
Map 93-02-4, Parcel 3  
Subarea 9 (1997)  
District 5 (Murray)

A request, by the Department of Public Property Administration, to enter into a lease agreement and leasehold improvements agreement with W.S. Investment Holdings, L.P., and Square Investment Holdings, L.P. for 40,097 square feet of office space for the use of The Office of the District Attorney General, the Office of Economic Development, and the Sports Authority located in the Washington Square Building, 222 2nd Avenue North.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - This is a request by the Department of Public Property Administration to enter into a lease agreement and leasehold improvements agreement with W.S. Investment Holdings, L.P., and Square Investment Holdings, L.P. for 40,097 square feet of office space for the use of the Office of the District Attorney General, the Office of Economic Development, and the Sports Authority located in the Washington Square Building, 222 2<sup>nd</sup> Avenue North.

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

**RECOMMENDATION** - The following departments or agencies have reviewed this request and recommended approval: Historical Commission, Emergency Communications Center, and NES.

**Approved (10-0), Consent Agenda**

**Resolution No. 2003 –414**

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-118U-09 is **APPROVED. (10-0)**”

**45. 2003M-121U-00**  
2003 Street and Alley Maps

An ordinance to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - An ordinance to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.

The attached list represents all roads that have been accepted for maintenance by the Department of Public Works over approximately the past year. The Metro Code requires that all roads be accepted by the Metro Council for dedication and added to the official streets and alley map. Right-of-ways accepted by subdivision plat are not included in this list until they have been accepted for maintenance by Public Works.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY COMMENTS** - All reviewing departments and agencies recommend approval.  
**STREETS ACCEPTED BY PUBLIC WORKS AND ADDED TO THE OFFICIAL MAP FROM OCT 2002 THRU SEPT 2003 SINCE PASSAGE OF COUNCIL BILL #2002-1248**

<i>COUNCIL DISTRICT</i>	<i>STREET</i>	<i>MAP NO</i>	<i>DATE ACCEPTED BY PUBLIC WORKS</i>	<i>SUBDIVISION</i>
12	BROODSIDE WOODS BV	75-12	3/13/200	BROOKSIDE WOODS
12	CASEY PL	75-12	3/13/200	BROOKSIDE WOODS
12	GREER STATION DR	75-12	9/30/200	GREEN MEADOWS @ CEDAR
12	PENN MEADE WY	52-13	9/12/200	RIVER GLEN
13	FRONTIER LN	172-10	7/11/200	CHRISTIANSTED VALLEY
13	CHRISTIANSTED LN	172-10	7/11/200	CHRISTIANSTED VALLEY
13	OSPREY CT	172-10	7/11/200	CHRISTIANSTED VALLEY
13	PALOMAR CT	172-10	7/11/200	CHRISTIANSTED VALLEY
14	WHITE PINE DR	108-4	1/31/200	WHITE PINE ESTATES
14	JAMES KAY LN86	CIB #72PW216		
14	WHITE PINE CT	108-4	1/31/200	WHITE PINE ESTATES
15	J B ESTILLE DR	96-1	COUNCIL BILL #2003-1427	
15	HARRELL CT	85-1	1/31/200	HEARTLAND
15	OWSLEY CT	85-1	1/31/200	HEARTLAND
15	STEELE CT	85-1	1/31/200	HEARTLAND
19	LIFEWAY PZ	93-5-4	11/7/200	LEFEWAY CHRISTIAN
21	ROBINSON RD	44-14	3/13/200	HOPKINS/ROBINSON
21	MARTINGALE RD	44-14	3/13/200	HOPKINS/ROBINSON
26	RECOVERY RD	147-4	10/3/200	WALLACE ROAD SUBD
27	HARBOR LIGHTS DR	136-5	1/31/200	BAYVIEW ESTATES
27	WAVERUNNER CT W	136-13	7/14/200	WATERSVIEW SUBD
27	WATERSVIEW DR	136-13	7/14/200	WATERSVIEW SUBD
27	WAVERUNNER CT E	136-13	7/14/200	WATERSVIEW SUBD
27	WAVERUNNER DR	136-13	7/14/200	WATERSVIEW SUBD
27	TINNEY PL	136-5	1/31/200	BAYVIEW ESTATES
27	TINNEY PL	136-5	1/31/200	BAYVIEW ESTATES



30	MARY ANTON CT	148-10	10/8/200	ANTON PLACE
30	ANTON DR	148-10	10/8/200	ANTON PLACE
30	ANTON CT	148-10	10/8/200	ANTON PLACE
31	RIDGEFALLS WY	173	3/19/200	OAK HIGHLANDS
31	AARON DR	173	3/19/200	OAK HIGHLANDS
31	BAYRIDGE CT	173	3/19/200	OAK HIGHLANDS
31	COPPER RIDGE TL	173	3/19/200	OAK HIGHLANDS
31	CANOE RIDGE PT	173	3/19/200	OAK HIGHLANDS
35	BELLAFONTE CT	155-16	3/19/200	TRACESIDE
35	HOLLY TRACE WY	155-16	3/19/200	TRACESIDE
35	TIMBER GAP DR	155-16	3/19/200	TRACESIDE
35	TRACE RIDGE LN	155-16	3/19/200	TRACESIDE
35	HOLLY TRACE CT	155-16	3/19/200	TRACESIDE
35	DEER ESTATES DR	155-16	3/19/200	TRACESIDE
35	CORNERSTONE CT	155-16	3/19/200	TRACESIDE
35	MEADOW RIDGE CR	155-16	3/19/200	TRACESIDE
35	SETTLERS WY	126-15	7/29/200	BOONE TRACE AT BILTMORE
35	EXPLORER TL	126-15	7/29/200	BOONE TRACE AT BILTMORE
35	CANYON CT	126-15	7/29/200	BOONE TRACE AT BILTMORE
35	BUTTERCUP DR	155-16	3/19/200	TRACESIDE

Approved (10-0), Consent Agenda

**Resolution No. 2003 –415**

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-121-00 is **APPROVED. (10-0)**”

**XIV. OTHER BUSINESS**

46. Request to re-hear Subdivision Proposal No. 2003S-063G-13, Hamilton Chase Subdivision.

[See below for public hearing and Commission discussion. Item #46, request to rehear Subdivision No. 2003S-063G-13, and Item #47, Subdivision No. 2003S-144G-13 were heard on Public Hearing and discussed by the Commission together.]

47. Request to re-hear Subdivision Proposal No. 2003S-144G-13, Lakewalk Subdivision.

**Staff Recommendation - Disapprove**

**REQUEST** - That the Commission rehear subdivision requests 2003S-114G-13 and 2003S-063G-13. These items were considered by the Commission on September 25, 2003. The request does not indicate that the applicant wishes for the Commission to reconsider its decision to approve these items, but only that a rehearing be granted.

**Background** - At the September 25, 2003, Commission meeting, Mr. Albert Bender requested that the items in question be removed from the Consent Agenda. When the items later came up on the agenda, Mr. Bender was no longer present. Accordingly, the Commission placed the items back on the Consent Agenda and approved them without discussion.

**Discussion** - Mr. Bender’s letter requesting rehearing has been delivered to the Commission along with this staff report. In his request, Mr. Bender raises several issues, each of which is discussed below.

**Issue #1. Notices given to wrong council members**: Mr. Bender contends that a rehearing should be granted because notice of the hearing for the two items was given to the incorrect District Councilmembers.

**Response to Issue #1.** - Staff acknowledges that the public notices for these items were sent to the incorrect Councilmembers. Commission Rule VII H. 4. requires that notice be provided to, among others, the district Councilmember. The proposed subdivisions are located in Council District 32. Mr. Sam Coleman was elected to represent District 32 on September 11, 2003.

Councilmember Coleman received actual notice of the hearing when he was contacted by phone and advised by staff of the hearing. Mr. Coleman met in person with staff on the day before to the September 25 meeting and was given copies of the staff reports. Finally, Mr. Coleman was present at the September 25 Commission meeting as the items were announced and spoke with the developer at the meeting.

**Issue #2.** - Councilmember Wilhoite's request for deferral. Mr. Bender notes that Councilmember Wilhoite requested that the applications be deferred since she had been notified and had received calls from citizens. He also states that he and another citizen "thought that the bills were continued."

**Response to Issue #2.** - The applicant declined to agree to the request to defer because the applications had been in the review process for quite some time pending a recommendation from Public Works. Hamilton Chase, 2003S-063G-13, was submitted on February 6, 2003 and Lakewalk, 2003S-144G-13, was submitted on May 13, 2003. At no time did the Commission vote to defer the items. With respect to subdivisions, the Commission's Rules require either that the applicant agree to deferral or the Planning Commission must find the plat incomplete. Neither element was present in this case.

**Issue #3.** - Adjournment of the meeting. Mr. Bender states that, a citizen "heard it announced that the meeting was adjourned at 4:50 p.m. and left the building."

**Response to Issue #3.** - According to the minutes of the September 25, 2003, Commission meeting, the meeting was adjourned at 6:38 p.m., not 4:50 p.m.

**Issue #4.** - Lack of changed conditions or new information. Rule VIII B. of the Commission's rules states that a request to rehear an item "must state what conditions have changed or what new information is available that may serve as cause for rehearing." Mr. Bender admits that there are no changed conditions or new information to support his request for rehearing. He states, however, that because of "profuse confusion," the requirements of Rule VIII B. should not apply.

**Response to Issue #4.** - There is no evidence that anyone other than Mr. Bender was confused about the Commission's proceedings on September 25, 2003. When the Consent Agenda was announced, Mr. Bender requested that the items be removed from it and his request was honored. When the items came up in the normal course of the agenda as the 11<sup>th</sup> and 12<sup>th</sup> items, staff informed the Commission that the citizen who had requested the items to be removed from the Consent Agenda (Mr. Bender) was no longer present at the meeting. Vice-Chairman Small asked if there was anyone in the audience concerned with the items. Councilmember Coleman announced that he had spoken with staff and the developer and had no objections. The items were placed back on the consent agenda and unanimously approved.

**Conclusion** - State law requires only that notice of the Commission's public hearing be provided to the owner of property that is to be subdivided. The Commission's rules, however, do require notice of a public hearing for a subdivision to owners of property that abuts or is opposite the proposed subdivision, area "representative groups," and the district Councilmember. Notices were sent to all people required by the rules, except that because of errors in the Planning Department's database immediately following the September 11 Metro Council elections, the notice was sent to the incorrect Councilmembers. Councilmember Coleman, who does represent the area, was notified by staff of the hearing and even met with staff in the Department offices the day before the public hearing to discuss the cases. As stated above, Councilmember Coleman was present at the Commission meeting and voiced no objection to the Commission approving the two subdivisions.

There does not appear to be any change in conditions or new evidence as required by the Commission's rules. Further, Rule VIII B. allows "an aggrieved party" to request a rehearing. Mr. Bender does not state that he was harmed in any way by the Commission's decision, or even that the decision was improper. Because Mr. Bender has

not suffered a distinct injury from the Commission's decision, he is not authorized by the Commission's rules to request a rehearing

Staff recommends that the Commission deny the request to rehear these items.

Mr. Kleinfelter stated that the Mr. Bender has requested a continuance on Subdivision Proposal No.# 2003S-063G-13 and 2003S-144G-13

The Commission briefly discussed the request for a rehearing and the validity or merit to rehear these proposals. The Commission directed staff to evaluate the current process for presentation of rehearing requests to the Commission.

Mr. McLean moved, and Mr. Sweat seconded the motion to deny the request for continuance for both requests and to disapprove the request to rehear both subdivision proposals. **Approved (9-0)**

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**48.** Request to approve contract for services for CNU Transportation Symposium

**Approved (10-0), Consent Agenda**

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**49.** Adopt Metro Planning Commission Meeting Schedule for 2004

**Approved (10-0), Consent Agenda**

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**50.** Request to approve Harding/White Bridge Consultant Contract: A request to approve the Contract for Transportation Consultant Services as part of the Harding/White Bridge Detailed Neighborhood Design Plan and to approve the acceptance of private funds to fund the study.

**Staff Recommendation - Approve**

A request to approve the Contract for Transportation Consultant Services as part of the Harding/White Bridge Detailed Neighborhood Design Plan and to approve the acceptance of private funds to partially fund the study.

Recent development inquiries in the Harding Road and White Bridge Road area have prompted the Metropolitan Government of Nashville and Davidson County to conduct a study of the area and present suggestions for its future growth. Projects that have been proposed, such as the office tower above Belle Meade Theater, as well as projects that are in their earliest stages, such as the redevelopment of the H.G. Hill property, present challenges that simply cannot be adequately addressed on a site-by-site basis. After discussions with several major property owners in the area yielded great interest, Metro decided to move forward with a comprehensive study, which would be rooted in a participatory public process in the form of a "charrette" tentatively scheduled for the January 2004.

In early discussions, it was quickly recognized that transportation and mobility would top the list of issues at the initiation of the study. To address this issue, staff believes a transportation consultant must be a part of the team. Staff also strongly believes that coordination and participation among various agencies is crucial to the success of the study.

In June, Metro began the process of determining a scope of transportation consultant services for the Harding/White Bridge study. Metro estimated that a study of this sort could cost \$100,000 or more. The staff's intention was to create a public/private partnership between property owners seeking to redevelop their property and The Planning Department to help fund the effort. Staff developed a list of approximately twelve transportation consultants who were recognized for their integration of transportation solutions with urban design. Using Metro's standard interview process for contracts of less than \$100,000, staff invited five firms to interview. To avoid conflicts of interest staff did not invite firms who were known to be working in the area. One firm decided not to interview two days before the interview. Two invited firms, a local firm and a Raleigh, North Carolina firm, teamed together. Ultimately, three interviews were held on October 14<sup>th</sup>, including the two firms that teamed together, a firm from Orlando, Florida, and a firm from Atlanta, Georgia. The review committee was made up of two representatives of the

Planning Department, one representative of the Public Works Department, and two representatives from the private sector. After the interviews, the committee sent their recommendation to the Mayor and the Mayor awarded the contract to Day Wilburn Associates, Inc. Their fee was listed at \$97,500.00.

\$20,000.00 has been set aside for this contract from the Planning Department's general fund. Owners of property in the area of the study will pay the remaining \$77,500. Staff recommends approval of this contract and its funding agreement.

**Approved (10-0), Consent Agenda**

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51. Request to approve contract between the MPC (for the MPO) and GNRC for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the City of Goodlettsville and for the Southern and Southeastern planning corridors, which include Williamson County, the City of Brentwood, the City of Fairview, the Town of Smyrna, and the Town of Spring Hill.

**Approved (10-0), Consent Agenda**

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52. Request to approve contract between the MPC (for the MPO) and Hendersonville for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the Northeast Corridor, also known as Sumner County, and including the MPO jurisdictions of Sumner County, and the cities of Gallatin, Hendersonville, Millersville, Portland, Springfield and White House.

**Approved (10-0), Consent Agenda**

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53. Request to approve contract between the MPC (for the MPO) and Lebanon for Technical Assistance in coordinating planning services as outlined in the approved Work Program for the East Corridor, also known as Wilson County, and including the MPO jurisdictions of Wilson County, the City of Lebanon, and the City of Mt. Juliet.

**Approved (10-0), Consent Agenda**

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54. Executive Director Reports

55. Legislative Update

**XV. ADJOURNMENT**

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 10:10 p.m.

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Chairman

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Secretary

