

**MINUTES**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: October 10, 2002  
Time: 1:00 p.m.  
Place: Howard Auditorium

**Roll Call**

**Present:**

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

**Absent:**

Mayor Bill Purcell  
Douglas Small, Vice Chairman

**Staff Present:**

Richard C. Bernhardt, Executive Director  
Jerry Fawcett, Planning Manager 2  
Kathryn Fuller, Planner 2  
Ann Hammond, Assistant Executive Director/Planning  
Marcus Hardison, Planner 1  
Kim Karesh, Planner 2  
David Kleinfelter, Planner 3  
Jeff Lawrence, Assistant Executive Director/Operations  
Anita McCaig, Planner 2  
Preston Mitchell, Planner 2  
Abby Nabors-Scott, Planner 1  
Carolyn Perry, Administrative Assistant  
Cynthia Wood, Planner 3  
Chris Wooton, Planning Technician 1

**Others Present:**

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

Chairman Lawson called the meeting to order.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES**

Staff announced the following clarification should be made on item 20 at the September 12, 2002, meeting.

**20. 2002M-090U-09**

Abandon Various Portions of Rights-of-Way for Symphony Hall Site

**THE ACTION, "APPROVED WITH THE ADDITION THAT ALL EASEMENTS ARE TO BE RETAINED" NEEDS TO BE CLARIFIED TO STATE THAT "EASEMENTS ARE TO BE RETAINED TEMPORARILY, UNTIL SUCH TIME THAT ALL ABOVE-GROUND UTILITIES CAN BE RELOCATED UNDER-GROUND. FOLLOWING THE RELOCATION OF UTILITY LINES UNDER-GROUND, ALL PUBLIC UTILITY EASEMENTS ARE TO BE ABANDONED WITH THE ABANDONMENT OF THE RIGHTS-OF-WAY."**

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of September 12, 2002.

**RECOGNITION OF COUNCILMEMBERS**

Councilmember Vic Lineweaver spoke in favor of item 37. 2000P-005G-06 Walgreen's-Bellevue.

**PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS**

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

- 3. 2002Z-101U-06           Deferred indefinitely
- 26. 2002Z-116U-10       Deferred indefinitely
- 28. 2002S-105G-04       Deferred indefinitely

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

**PUBLIC HEARING: ADOPTION OF CONSENT AGENDA**

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

**ZONING MAP AMENDMENTS**

- 2. 2002Z-100G-14**  
Map 86, Parcel 65  
Subarea 14 (1996)  
District 12 (Ponder)

A request to change from R8 district to RM9 district property at 4061 Dodson Chapel Road, approximately 100 feet south of Magnum Road, (6.68 acres), requested by Dwight Holland, appellant, for R. P. Sands et ux and R. D. Sands, owners.

Project No. Zone Change 2002Z-100G-14  
Council Bill None  
Associated Cases None  
Staff Reviewer Hardison

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** **Rezone 6.68 acres from Residential (R8) to Residential Multi-Family (RM9) at 4061 Dodson Chapel Road.**

**Existing Zoning**

R8 zoning R8 zoning is intended for single-family and duplexes at 4.63 units per acre. The existing zoning would allow 31 units.

**Proposed Zoning**

RM9 zoning RM9 is intended for multi-family residences at 9 units per acre. This proposed zoning would allow the development of 60 units.

**SUBAREA 14 PLAN POLICY**

Residential Medium High

(RMH) RMH policy is intended for 9 to 20 dwelling units per acre.

**Policy Conflict** None. RM9 district allows 9 units per acre, which is on the lower side of the RMH policy's allowed density. The existing R8 district is well below the intended density in the RMH policy area. The proposed RM9 district is consistent with the subarea policy.

**RECENT REZONINGS** None

**TRAFFIC** The proposed zone change would permit a total of 60 units. This number of units would create approximately 398 vehicle trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Metro Traffic Engineer's**

**Findings** Approve

**SCHOOLS**

**Students Generated** 7 Elementary 4 Middle 3 High School

**Schools Over/Under Capacity** If the property were developed under the proposed zoning, 14 students would be generated. Students would attend Tulip Grove Elementary School, Dupont-Tyler Middle School, and McGavock High School. Tulip Grove Elementary and McGavock High have not been identified as being overcrowded by the Metro School Board, but Dupont-Tyler Middle School has been identified as being overcrowded.

**Resolution No. 2002-328**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-100G-14 is **APPROVED (7-0)**:

**The proposed RM9 district is consistent with the Subarea 14 Plan's Residential Medium High (RMH) policy calling for residential development at 9 to 20 dwelling units per acre."**

**4. 2002Z-103G-03**

Map 40, Parcels 57, 169 and 170

Subarea 3 (1998)

District 1 (Gilmore)

A request to change from CL district to CS district properties at 7412 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), abutting the southern margin of Old Hickory Boulevard, (21.75 acres), requested by J. Murray Brown of McPherson-Shaw, Inc., appellant, for Barbara B. G. Austin and Kimbro Equities, Inc., owners. (See PUD Proposal No. 88P-023G-03 below).

Project No. Zone Change 2002Z-103G-03

**Council Bill** None

**Associated Cases** 88P-023G-03

**Staff Reviewer** Leeman

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** **Rezone 21.75 acres from Commercial Limited (CL) to Commercial Service (CS) 7412 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered).**

**Existing Zoning**

CL district CL is intended for retail, consumer service, financial restaurant and office uses.

**Proposed Zoning**

CS district CS is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, light-manufacturing, auto-repair, vehicular sales, distributive business wholesale, retail, office and restaurant.

**SUBAREA 3 PLAN POLICY**

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Residential Medium (RM) RM policy is intended for medium density residential development at 4 to 9 dwelling units per acre.

**Policy Conflict** No. The proposed CS district is consistent with the Subarea 3 Plan's CMC policy calling for a wide range of retail, office, and residential uses, while the existing CL district and commercial PUD currently extends into the RM policy to the west. Changing the zoning from CL to CS at this large commercial interchange is consistent with the General Plan.

**RECENT REZONINGS** Yes. The property directly to the east was rezoned from CL to CS in 2001. The Planning Commission approved this request in July of 2001. Also, two properties (parcels 24 and 161) to the north were rezoned in 2001. The Planning Commission approved that request to rezone from R15 to CL on March 15, 2001.

**TRAFFIC** Based on typical uses like retail, restaurant and office, approximately 568,400 square feet of commercial development would be allowed. Approximately 6,250 to 23,100 trips per day would be generated by a retail center or general office uses. Old Hickory Boulevard is classified on the Major Street Plan as a U2 (two lanes with a center turn lane), while the road currently has two lanes with no center turn lane.

**Metro Traffic Engineer's**

**Findings** The Metro Traffic Engineer has indicated that a Traffic Impact Study may be required at the building permit stage depending on the proposed use.

Project No. Planned Unit Development 88P-023G-03

**Resolution No. 2002-329**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-103G-03 is **APPROVED (7-0)**:

**The proposed CS district is consistent with the Subarea 3 Plan’s Commercial Mixed Concentration (CMC) policy calling for a wide range of retail, office, and residential uses. It is also consistent with the existing commercial zoning pattern in the area.”**

- 5. 88P-023G-03**
- Little Creek Farms
- Map 40, Parcels 57, 169, 170 and Part of Parcel 56
- Subarea 3 (1998)
- District 1 (Gilmore)

A request to cancel the undeveloped Commercial Planned Unit Development District located abutting the south margin of Old Hickory Boulevard, west of Interstate 24, classified within the CL district and proposed for CS district, (22.97 acres), approved for a 195,025 square foot retail, restaurant and convenience development, requested by McPherson-Shaw, Inc., for Barbara Austin and Kimbro Equities, owners. (See Zone Change Proposal No. 2002Z-103G-03 above).

**Project Name** Little Creek Farms  
**Council Bill** None  
**Associated Cases** Zone Change 2002Z-103G-03  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve*

**APPLICANT REQUEST**

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

This request is to cancel the 22.97 acre undeveloped Commercial PUD district located at 7412 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered). The PUD was originally approved in 1988 for 195,025 square feet of retail, restaurant and convenience market uses.

**Existing Zoning**

CL District/Commercial PUD      CL is intended for retail, consumer service, financial restaurant and office uses. The Commercial PUD is a grandfathered plan approved for retail, restaurant and convenience market uses.

**TRAFFIC**      Old Hickory Boulevard is classified on the Major Street Plan as a U2 (two lanes with a center turn lane), while the road currently has two lanes with no center turn lane.

**Metro Traffic Engineer’s**

**Findings**      The Metro Traffic Engineer has indicated that a Traffic Impact Study may be required at the building permit stage depending on the proposed use.

**Resolution No. 2002-330**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-023G-03 is **APPROVED (7-0)**.”

**PRELIMINARY PLAT SUBDIVISIONS**

**6. 2001S-242U-11**

TWIN OAKS SUBDIVISION, Phase 2, Section 2  
Map 133-4, Parcel 54  
Subarea 11 (1999)  
District 27 (Sontany)

A request for preliminary and final plat approval to create 22 lots abutting the southeast corner of Twin Oaks Drive and Glencliff Road, (4.98 acres), classified within the R8 district, requested by Glen Associates, owner/developer, Thornton and Associates, Inc., surveyor.

Project No. Subdivision 2001S-242U-11  
Project Name Twin Oaks Subdivision, Section 2, Phase 2  
**Associated Cases** None  
Reviewer **Jones**

Staff Recommendation *Approve subject to bond for the extension of roads, public utilities, and the construction of sidewalks prior to recordation.*

**APPLICANT REQUEST**

Preliminary Plat  Preliminary & Final Plat  Final Plat

**Subdivide 4.98 acres into 22 lots, at a proposed density of 4.4 units per acre.**

**The Planning Commission approved the preliminary plat for Twin Oaks Subdivision, Section 2 on February 14, 1991. The preliminary plat proposed to create 28 new lots. Twin Oaks, Section Two, Phase One was approved by the Planning Commission on June 20, 1991. This granted preliminary and final plat approval to create six lots. The current request for preliminary and final plat approval to create 22 lots will complete the 28 lots approved with the original preliminary.**

**ZONING R8 district requiring minimum lot size of 8,000 sq. ft. The R8 district will allow 4.63 units per acre.**

**SUBDIVISION DETAILS** This request matches the approved preliminary. It extends two cul-de-sacs from Twin Oaks Drive to the south. All lots are accessed from Twin Oaks Drive or one of the two cul-de-sacs, with the exception of Lot 1, which will be accessed from Glencliff Road. Sidewalks are proposed along all street frontages.

The proposed subdivision complies with the Subdivision Regulations, and all departments have recommended approval.

**TRAFFIC ENGINEER'S FINDINGS** Approval

**CONDITIONS** Bond for the extension of roads, public utilities, and the construction of sidewalks prior to recordation.

**Resolution No. 2002-331**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-242U-11, is **APPROVED WITH CONDITIONS (7-0).**”

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

Bond for the extension of roads, public utilities, and the construction of sidewalks.”

**7. 2002S-217G-14**  
HAGER’S GROVE  
Map 98, Parcel 102  
Subarea 14 (1996)  
District 12 (Ponder)

A request for preliminary plat approval for 55 cluster lots abutting the south margin of John Hager Road, approximately 1,957 feet west of Earhart Road, (24.14 acres), classified within the RS15 district, requested by Seven Points, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Project No. Subdivision 2002S-217G-14  
**Project Name** Hager’s Grove Subdivision  
**Associated Cases** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions subject to a revised plat prior to recordation.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide a 24.14-acre tract into a 55-lot Cluster Lot subdivision, at a proposed density of 2.3 dwellings units per acre.

**ZONING**      **RS15 district, requiring a minimum lot size of 15,000 square feet**

**CLUSTER LOT OPTION**      The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). Although allowed to reduce minimum lot size two base zone districts, the applicant has chosen to use the RS10 district as the alternative lot size for bulk standard compliance since proposed lots range from 11,587 sq. ft. to 21,497 sq. ft.

Applicant has justified utilizing the cluster lot option by providing for additional open space and asserting that significant vegetation will be preserved in open space areas ‘A’, ‘B’, and ‘C’. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. Applicant successfully complies with this requirement by proposing a total of 4.5 acres (18.6%) of open space – which exceeds the minimum open space acreage required per phase of 2.16 acres and 1.46 acres, respectively.

**SUBAREA 14 POLICY** This subdivision falls within the Subarea 14 Policy’s Residential Low-Medium (RLM) policy that supports and provides opportunities for new residential development within a density range of 2 to 4 units per acre. Due to the location of this subdivision, the subarea plan specifically calls for consideration being given to the density of development in an area with the widespread presence of sinkholes – which may have limited drainage capacity – and the potential impact of runoff on the J. Percy Priest Lake. Total lot yield permitted for this subdivision is 60 lots; however, the applicant proposes to provide 55 lots, at a density of 2.3 dwelling units per acre.

**SUBDIVISION DETAILS**      The 24.14-acre tract, approximately 2,400 feet deep, lies along the south margin of John Hagar Road in the eastern portion of the county, and just north of the J. Percy Priest Lake. The proposed 55 lots are located on either side of a single, curvilinear, spine road that provides for a temporary dead-end to lands located north of Seven Points Trace that have yet to be subdivided. The proposal includes two possible detention areas that are located in the north end of the subdivision and four areas of open space that total 4.5 acres. Additionally, the applicant proposes a 20-foot access easement to

allow for students living in this subdivision and The Meadows of Seven Points – located further east – to access the proposed Ruby Major Elementary and Middle School.

**SUBDIVISION VARIANCES** None

**TRAFFIC ENGINEER'S**

**FINDINGS** Metro Department of Public Works provided the following comments regarding the proposed subdivision:

Where the new roadway intersects John Hager Road, the developer will need to clear vegetation in both the east and west directions to obtain the required 350 feet of sight distance. In addition, the developer will need to widen John Hager Road to collector street standards along the property frontage.

A left turn lane, on westbound John Hager Road, must be constructed where the new roadway intersects John Hager Road. This left turn lane must provide 60 feet of storage with an appropriate taper.

**CONDITIONS** Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to recordation:

Add to existing note #13, "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."

A westbound left-turn lane must be constructed on John Hager Road, providing for 60 feet of storage and a taper distance to be provided by Metro Public Works.

Vegetation must be cleared along John Hager Road, in both the east and west directions from the subject property, to obtain a minimum of 350 feet of sight distance.

Improvements to John Hager Road along the front of the subject property, to bring it into compliance with the Major Street Plan standards for a collector roadway, must be completed or bonded prior to the recordation of the final plat.

Open Space 'C' must be designated as Open Space and as an Access Easement. This is to preclude an HOA from fencing off this portion of open space, which would prevent direct access to the Ruby Major Schools.

Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

**Resolution No. 2002-332**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-217G-14, is **APPROVED WITH CONDITIONS (7-0)**.

**Staff recommends approval subject to the following conditions:**

- 1. A westbound left-turn lane must be constructed on John Hager Road, providing for 60 feet of storage and a taper distance to be provided by Metro Public Works.**
- 2. Vegetation must be cleared along John Hager Road, in both the east and west directions from the subject property, to obtain a minimum of 350 feet of sight distance.**
- 3. Improvements to John Hager Road along the front of the subject property, to bring it into compliance with the Major Thoroughfare Plan standards for a collector roadway, must be completed or bonded prior to the recordation of the final plat.**
- 4. Open Space 'C' must be designated as Open Space and as an Access Easement. This is to preclude an HOA from fencing off this portion of open space, which would prevent direct access to the Ruby Major Schools.**



**5. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.”**

**PLANNED UNIT DEVELOPMENTS (revisions)**

**10. 182-83-G-03**  
Westport Senior Living Community  
Map 42, Parcel 40  
Subarea 3 (1998)  
District 3 (Nollner)

A request to revise the preliminary plan for a portion of the Residential Planned Unit Development District located abutting the northwest margin of Interstate 65 and Old Hickory Boulevard, classified within the RM9 district, (104.6 acres), to permit the development of a 40 unit assisted living facility, 90 independent living units and 211 cottages, and for final grading plan approval for phases 2 and 3, original plan approved for 1,064 multi-family units with only Phase 1 developed with 190 unit apartments complex, requested by Hart-Freeland-Roberts, Inc., for Westport Senior Living, owner.

Project No. Planned Unit Development 182-83-G-03  
**Project Name Westport Senior Living Community**  
Council Bill **None**  
Associated Cases **None**  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions, including the installation of a traffic signal by the developer/owner at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive prior to the issuance of any Use and Occupancy permits for Phase 2, or any further phases.*

**APPLICANT REQUEST**

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

This request is to revise the preliminary plan for Phases 2-6, and for final grading plan approval for Phases 2 and 3 for the residential PUD located north of Old Hickory Boulevard and west of I-65 in the Madison area. This plan does not change the number or type of units approved on the last preliminary plan, but it does change the grading plan.

The Planning Commission approved a previous revision on March 14, 2002, including 40 assisted-living units, 90 independent-living units, 15 townhomes, and 196 duplex units (314 total units where every 3 assisted living units counts as 1 dwelling unit). That plan replaced 670 apartment units and 104 townhomes (874 total units). Phase 1 is currently developed with 190 apartment units.

**Existing Zoning**

Residential Multi-Family (RM9)/Res. PUD This proposal is consistent with the existing RM9 base zoning and the Subarea 3 Plan’s Residential Medium (RM) policy allowing multi-family dwellings at up to 9 dwelling units per acre. The plan proposes 3 dwelling units per acre for Phases 2-6.

**PROPOSED PLAN**

While the current proposal alters the grading plan, the layout of the units, the unit types, and the proposed internal street network remains consistent with the plan approved by the Planning Commission in March 2002. The current proposal also maintains a future collector street connection between the existing portion of Nesbitt Lane at Old Hickory Boulevard and the existing portion of Nesbitt Lane on the east side of I-65. The collector road currently stubs-out into this property and has always been intended to connect to Nesbitt Lane on the east side of I-65.

**TRAFFIC**

**Metro Traffic Engineer’s**

**Findings** The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following condition:

**1. Prior to the issuance of any Use and Occupancy permits for Phase 2, the developer/owner must install a traffic signal at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive.**

Project No. Planned Unit Development 239-84-G-13

**Resolution No. 2002-333**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 182-83-G-03 is given **CONDITIONAL PRELIMINARY APPROVAL AND FINAL PUD APPROVAL FOR GRADING FOR PHASES 2 AND THREE (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. **Prior to or in conjunction with the submittal of any final PUD plan for any phase, the applicant shall submit to the Planning Department a letter from the Tennessee Department of Transportation stating approval of the abandonment of right-of-way. Should any of the right-of-way proposed for abandonment fall within Metro’s jurisdiction, a Mandatory Referral shall be approved by the Metro Council for the abandonment of Nesbitt Lane right-of-way. Right-of-way, as shown on the approved PUD plan shall be maintained to allow the proposed collector road to connect to Nesbitt Lane at the existing underpass at I-65.**
3. Prior to the issuance of any building permits for any phase creating a new lot, easement, or requiring any public improvements that must be bonded, a final subdivision plat shall be recorded, including all necessary bonds for public improvements.
4. Prior to the issuance of any Use and Occupancy permits for Phase 2, the developer/owner shall install a traffic signal at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive.
5. All public and private roads within the development must be designed to meet public street standards at the final PUD approval stage.”

**11. 239-84-G-13**

Canter Chase Commercial (Am South Bank)  
Map 135, Part of Parcel 366  
Subarea 13 (1996)  
District 27 (Sontany)

A request to revise the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the south margin of Murfreesboro Pike, west of Harding Place, classified within the CL district, (1.2 acres), to permit a 478 square foot drive-thru bank facility, replacing an undeveloped 8,850 square foot restaurant or convenience store, requested by Littlejohn Engineering Associates, for AM South Bank, owner.

**Project Name** Canter Chase Commercial, (Am South Bank)  
**Council Bill** None  
**Associated Cases** None  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions as follows:*  
*Recordation of a final subdivision plat prior to the issuance of any building permits*  
*Right-of-way reservation along Harding Place to bring this portion of roadway into conformance with the Major Street Plan (U4 with 84 feet of right-of-way).*

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary plan and for final PUD approval for a portion of the Commercial Planned Unit Development to permit a 478 square foot, 5-lane, drive-thru bank facility located along the south side of Murfreesboro Pike, west of Harding Place. The proposed plan does not include direct access to Murfreesboro Pike. An access driveway is proposed along Harding Place.

**Existing Zoning**

CL district/Commercial PUD    CL is intended for retail, consumer service, financial, restaurant and office uses. The existing Commercial PUD is a grandfathered plan approved for an 8,850 square foot restaurant or convenience store. This portion of the PUD plan is currently undeveloped.

**TRAFFIC**    Murfreesboro Pike is classified as a U6 (108 feet of right-of-way) on the Major Street Plan, while Harding Place is an unbuilt U4 (84 feet of right-of-way) street on the Major Street Plan.

**Metro Traffic Engineer's Findings**    Approve.

**Resolution No. 2002-334**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 239-84-G-13 is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PUD AND FINAL PUD APPROVAL (7-0)** The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for sidewalks and public improvements and a 3-foot right-of-way reservation along Harding Place.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

**12. 27-87-P-03**  
Creekside Trails, Phase 3  
Map 58, Part of Parcel 16  
Subarea 3 (1998)  
District 1 (Gilmore)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the southern terminus of Ramblin Brook Road, west of Eaton Creek Road, classified within the

RS15 district, (8.49 acres), to permit the development of 22 single-family lots, requested by The Laine Company, Inc., for Eaton's Creek Real Estate Investors Fund, LLC, owner.

Project No. Planned Unit Development 27-87-P-03  
Project Name Creekside Trails Residential PUD, Phase 3  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions*

APPLICANT REQUEST

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

**Permit the development of 22 single-family lots on the 8.49-acre phase 3 of the Creekside Trails Cluster Lot Subdivision, formerly Eaton’s Creek Subdivision, and located along Eaton’s Creek Road.**

**PLAN DETAILS** Proposal is consistent with the revised preliminary PUD plan approved by the Metro Planning Commission on February 17, 2000.

Proposed lots will range in size from 6,729 sq. ft. to 13,921 sq. ft., and sidewalks will be provided along both sides of Creekside Drive.

**TRAFFIC ENGINEER’S FINDINGS** Approve

**CONDITIONS**

Prior to the Planning Commission meeting, plans detailing the northbound left-turn lane from Eaton’s Creek Road onto Rambling Brook Road must be approved by Metro Public Works. A final plat must be recorded prior to the issuance of any building permits.

Project No. Planned Unit Development 88P-009G-12

**Resolution No. 2002-335**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 27-87-P-03 is given **CONDITIONAL APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. 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.

5. Prior to the issuance of any building permits for any phase creating a new lot, easement, or requiring any public improvements that must be bonded, a final subdivision plat shall be recorded, including all necessary bonds for public improvements.”

**13. 88P-009G-12**  
 Autumn Oaks, Phase 5  
 Map 181-10, Parcels 39 and 43  
 Subarea 12 (1997)  
 District 31 (Knoch)

A request to revise the preliminary plan and for final approval for a phase of the Residential Planned Unit Development District, located abutting the east margin of Nolensville Pike, 3,865 feet north of Pettus Road, classified within the R20 district, (57.47 acres), to permit the redesign of the street and lot layout for phases five through ten and for final approval for phase five to permit 18 single-family lots, replacing 14 lots, where the original plan was approved for 354 single-family lots and the proposed redesigned plan includes 354 single-family lots, requested by Wamble and Associates, for Autumn Oaks, LLC, owner.

**Project Name** Autumn Oaks, Phase 5  
**Council Bill** None  
**Associated Cases** None  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions as follows:  
 Recordation of final plat prior to the issuance of any building permits.  
 Public Works must approve the final PUD plan prior to the Planning Commission meeting.*

**APPLICANT REQUEST**

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

This request is to revise phases 5 through 10 of the preliminary plan and for final approval to allow 18 single-family lots in Phase 5, replacing 14 single-family lots approved in 1988. This plan revises the layout of several phases in order to provide more street connectivity throughout the remainder of the development. Phase 5 has been modified from the approved preliminary PUD plan to compensate for a small cemetery found during site preparation work, and to meet the current Stormwater Management Regulations.

Previous revisions have reduced the number of lots by 14, which allows for the additional 4 lots in Phase 5. The overall preliminary plan includes 354 single-family lots—the same number approved on the preliminary PUD plan.

All lots will be designated as critical lots to be reviewed and approved by Metro Water Services, Public Works, and the Planning Department prior to the issuance of any building permits. A final plat must be recorded and bonds must be posted for the construction of public sidewalks and other necessary public improvements.

**Existing Zoning**

R20/Res. PUD The plan is grandfathered to permit 354 single-family lots within the R20 district. The plan was approved in 1988.

**Resolution No. 2002-336**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-009G-12 is given **CONDITIONAL APPROVED TO REVISE THE PRELIMINARY PUD AND FINAL PUD APPROVAL (7-0)**: The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for sidewalks and public improvements, and including the dedication of the floodway and floodway buffer for a future Metro Greenway Trail.
3. All medians within the Public right-of-way must be maintained by the Homeowner's Association and an agreement must be signed and approved by Public Works with any final plat that includes a median."

**14. 98P-002G-13**  
 Villages of Long Hunter, Phase 3  
 Map 151, Part of Parcel 40  
 Subarea 13 (1996)  
 District 29 (Holloway)

A request for final approval for Phase Three of the Residential Planned Unit Development District located abutting the east margin of Hobson Pike, north of Hamilton Church Road, classified within the R15 district, (25.04 acres), to permit the development of 100 single-family lots, requested by John Coleman Hayes P.C, for JCH Development Company, Inc.

Project No. Planned Unit Development 98P-002G-13  
 Project Name Villages of Long Hunter Residential PUD  
 Phase 3  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions*

**APPLICANT REQUEST**

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

**Permit the development of 100 single-family lots on the 25.04-acre phase 3 of the Villages of Longhunter residential subdivision, formerly a part of the Longhunter Chase Residential PUD, and located along the south side of Hobson Pike.**

**PLAN DETAILS**            Proposal is consistent with the preliminary PUD plan approved by the Metro Council on May 26, 1998.

Proposed lots will range in size from 5,877 sq. ft. to 11,138 sq. ft., with sidewalks proposed along both sides of South Hampton Drive and Ole Nottingham Drive. During the review and final approval for phase 2, staff worked with the applicant to provide a workable sidewalk network. It was agreed-upon that sidewalks would be placed along both sides of the minor local streets running throughout phases 2 and 3, but sidewalks would not be required within the cul-de-sacs – which was originally agreed-upon for the preliminary plan.

**TRAFFIC ENGINEER'S FINDINGS**    Approve

**CONDITIONS**

A final plat needs to be recorded prior to the issuance of any building permits.

**Resolution No. 2002-337**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-002G-13 is given **CONDITIONAL APPROVED (7-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal must be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
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.
5. Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.
6. All medians within the Public right-of-way must be maintained by the Homeowner’s Association and an agreement must be signed and approved by Public Works with any final plat that includes a median.”

**MANDATORY REFERRALS**

**15. 2002M-093U-05**  
Council Bill No. BL2002-1198  
Public Property Disposition  
Map 82-7, Parcel 299  
Map 82-16, Parcel 250  
Subarea 5 (1994)

An ordinance approving the disposition of 800 Fatherland Street and 711 Stockell Street, properties currently held by the Metropolitan Government of Nashville and Davidson County, as requested by the Metro Director of Public Property.

Project No. Mandatory Referral 2002M-093U-05  
Project Name Public Property Disposition: 800 Fatherland Street/711 Stockell Street  
**Council Bill** BL2002-1198  
**Associated Case** 2002M-094G-14  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST An ordinance approving the disposition of 800 Fatherland Street and 711 Stockell Street, properties currently held by the Metropolitan Government of Nashville & Davidson**

**County, as requested by the Metro Director of Public Property. 711 Stockell Street is approximately 0.20 acres in size, and 800 Fatherland Street is approximately 0.50 acres in size.**

APPLICATION REQUIREMENTS            **None**

**DEPARTMENT AND AGENCY**  
**COMMENTS**    None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-338**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-093U-05 is **APPROVED (7-0).**"

**16.        2002M-094G-14**  
Council Bill No. BL2002-1198  
Public Property Disposition  
Map 64-13, Parcel 5  
Subarea 14 (1996)  
District 11 (Brown)

An ordinance approving the disposition of 4304 Old Hickory Boulevard, properties currently held by the Metropolitan Government of Nashville and Davidson County, as requested by the Metro Director of Public Property.

Project No.        Mandatory Referral 2002M-094G-14  
Project Name      Public Property Disposition: 4304 Old Hickory Boulevard  
**Council Bill**      BL2002-1198  
**Associated Case** 2002M-093U-05  
**Staff Reviewer** Mitchell

**Staff Recommendation**    *Approve*

**APPLICANT REQUEST** An ordinance approving the disposition of 4304 Old Hickory Boulevard, properties currently held by the Metropolitan Government of Nashville & Davidson County, as requested by the Metro Director of Public Property. Property is approximately 0.20 acres in size.

APPLICATION REQUIREMENTS            **None**

**DEPARTMENT AND AGENCY**  
**COMMENTS**    None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-339**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-094G-14 is **APPROVED (7-0).**"

**17.        2002M-095U-09**  
Washington Square Underground Encroachment  
Map 93-2-4, Parcels 3 and 6  
Subarea 9 (1997)  
District 19 (Wallace)



A request for an underground encroachment to core within the public sidewalks along 2nd Avenue North, Bank Street, and 1st Avenue North for the purpose of termite protection of the Washington Square Building, located at 214 and 222 2nd Avenue North, as requested by Cook's Pest Control, applicant, for WS Investment Holdings, L.P., et.al., owners.

Project No. Mandatory Referral 2002M-095U-09  
Project Name Washington Square Building Underground Encroachment  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions. Applicant must coordinate with Nashville Electric Service (NES) prior to conducting any work within the right-of-way, in order to verify location of utilities.*

**APPLICANT REQUEST** A request for an underground encroachment to core within the public sidewalks along 2nd Avenue North, Bank Street, and 1st Avenue North for the purpose of termite protection of the Washington Square Building, located at 214 & 222 2nd Avenue North, as requested by Cook's Pest Control, applicant, for WS Investment Holdings, L.P., et al, owners.

**APPLICATION REQUIREMENTS**

**License to Encroach Agreement** Yes – one was submitted in correct form.

**Insurance Certificate** Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$5,000,000 for general aggregate coverage, as required by Metro Legal.

**Property Owner Sign Application** No – application signed by Cook’s Pest Control on behalf of property owner since Cook’s has been contracted to perform all work. The property owner, W.S. Investment Holdings, L.P., et al, has duly executed the License Agreement.

**Tenant Sign Application** N/A

**DEPARTMENT AND AGENCY RECOMMENDATIONS**

“NES has facilities at corner of 2<sup>nd</sup> Av. N. and Bank St., and 1<sup>st</sup> Av. N. south of Brandon St. Cook’s Pest Control responsible for having utilities located prior to construction.”

**Resolution No. 2002-340**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-095U-09 is **APPROVED (7-0).**"

**18. 2002M-096U-08**

Close Portions of Various Alleys  
Map 92-10, Parcels 153, 154, 155, 158, 159,  
160, 161, 162, 170, 171, 173, and 174  
Subarea 8 (1995)  
District 21 (Whitmore)

A request to close Alley #1177 between Georgia Avenue and Alley #1221, to close a portion of Alley #1202 extending approximately 100 feet west from Alley #1177, and to close a portion of Alley #1221 from the east property line of parcel 174 of map 92-10 to its' terminus at the east property line of parcel 162 of map 92-10, requested by St. James Missionary Baptist Church, applicant, for the St. James Missionary Baptist Church, Clifton and Linda Rhodes, and Charles L. Ethridge, abutting property owners. (Easements to be abandoned)

Project No. Mandatory Referral 2002M-096U-08  
Project Name Close Portions of Various Alleys  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** A request to close Alley #1177 between Georgia Avenue and Alley #1221, to close a portion of Alley #1202 extending approximately 100 feet west from Alley #1177, and to close a portion of Alley #1221 from the east property line of parcel 174 of map 92-10 to its' terminus at the east property line of parcel 162 of map 92-10, requested by St. James Missionary Baptist Church, applicant, for the St. James Missionary Baptist Church, Clifton & Linda Rhodes, and Chas. L. Ethridge, abutting property owners.

**Easements are to be abandoned.** Applicant understands that utility relocations are to be made at the applicant's expense.

**APPLICATION REQUIREMENTS**

**Signatures of All Abutting &**

**Affected Property Owners** Yes – and they match tax assessor information.

**DEPARTMENT AND AGENCY**

**RECOMMENDATIONS**All reviewing departments and agencies recommend approval.

**Resolution No. 2002-341**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-096U-08 is **APPROVED (7-0).**"

**OTHER BUSINESS**

19. Contract between RTA and Nashville-Davidson County Planning Commission on behalf of the MPO to provide commuter rail planning services

**Resolution No. 2002-342**

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Contract between RTA and Nashville-Davidson County Planning Commission on behalf of the MPO to provide commuter rail planning services."

20. Employee contract amendment for Brian P. Wallace

**Resolution No. 2002-343**

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract amendment for Brian P. Wallace."

21. Employee contracts for Robert P. Leeman, Keith Covington, Anita D. McCaig, Randol L. Hutcheson, Marty Sewell, and Jeanne E. Stevens

**Resolution No. 2002-344**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contracts for Robert P. Leeman, Keith Covington, Anita D. McCaig, Randol L. Hutcheson, Marty Sewell, and Jeanne E. Stevens”

22. Executive Director Reports

None.

23. Legislative Update

None

**ZONING MAP AMENDMENTS**

**25. 2002T-022T**  
Council Bill No. BL2002-1226

A council bill to amend the text of the Zoning Code by changing Section 17.16.220 to allow Commercial Amusement (outside) uses as a Special Exception in the IR and IWD zoning districts, requested by Planning Department staff and sponsored by Councilmember Phil Ponder.

Project No. Zone Change 2002Z-022T

**Associated Case** None

**Council Bill** BL2002-1226

**Staff Reviewer** Leeman

**Staff Recommendation** *Approve*

**REQUEST** Change the text of the Zoning Code to permit Commercial Amusement (outside) uses in the IR and IWD districts as a Special Exception (SE) to be approved by the Board of Zoning Appeals (BZA).

**AMENDMENT ANALYSIS**

Commercial Amusement (outside) uses generally do not require a large amount of infrastructure or large buildings. This text change will allow IR (Industrial Restrictive) and IWD (Industrial Warehouse and Distribution) zoned properties to be used for low-impact uses while still leaving the opportunity for the intended industrial uses in the future. The low-impact uses will allow the preservation of valuable industrial land that can be converted for industrial uses in the future. Commercial Amusement (outside) will serve as a holding use until industrial uses are constructed.

**Definition:** Commercial

Amusement (outside) Commercial Amusement (outside) is defined as: “...the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside the building, including but not limited to a golf driving range, archery range or miniature golf course. This use does not include a stadium.”

This text change will only permit Commercial Amusement (outside) uses as a SE, which must be reviewed and approved by the BZA. Should adjoining industrial properties pose a health or safety risk, the BZA will have the ability to deny the Commercial Amusement (outside) use. The proposed text also limits any structures to 1,500 square feet of gross floor area, while any larger building must be designed for an

industrial warehouse or other function that can reasonably be converted to a use permitted by right in the IR or IWD zoning district.

The specific changes to the Zoning Code are shown below:

Table: 17.08.030

| Land Use                          | AG<br>AR2a | RS80<br>-<br>RS3.<br>5 | R8<br>0-<br>R6 | RM6<br>0-<br>RM2 | MI<br>H<br>P | M | M | M | M | O | O | O | OR20<br>-<br>OR40 | O | C | C | C | C | C | S | S | S | IWD | IR | I<br>G |
|-----------------------------------|------------|------------------------|----------------|------------------|--------------|---|---|---|---|---|---|---|-------------------|---|---|---|---|---|---|---|---|---|-----|----|--------|
| Commercial amusement<br>(outside) |            |                        |                |                  |              |   |   | P | P | P |   |   |                   |   |   | P | P | P |   | P | P | P | SE  | SE |        |

Section 1. Amend Section 17.08.030 (District Land Use Tables) to add Commercial Amusement (outside) as SE (special exception) in the IR and IWD zoning districts.

Section 2. Amend Section 17.16.220 (Recreation and entertainment special exceptions) to insert in alphabetical order “Commercial Amusement (outside)” as follows:

In the IR and IWD districts, Commercial Amusement (outside) uses shall be limited to locations where the Board of Zoning Appeals finds that adjoining industrial uses will not pose a danger to persons using the Commercial Amusement (outside) facility. The Commercial Amusement (outside) use shall be required to cease if it is determined that a permitted and otherwise legal industrial use of adjoining property will pose a danger.

Because Commercial Amusement (outside) is appropriate in the IR and IWD districts only as an interim use, such facilities within the IR and IWD districts shall not include any permanent structures that would limit the future availability of the land for industrial purposes. Any new structure constructed on the property greater than 1,500 square feet in size, must be designed as an industrial warehouse or other function that can economically be converted to a use permitted by right in the IR or IWD districts, as applicable.

**Resolution No. 2002-345**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002T-022T is **APPROVED (7-0)**:

This text change will permit Commercial Amusement (outside) uses in the IR and IWD districts as a Special Exception (SE) to be approved by the Board of Zoning Appeals. CA uses generally do not require a large amount of infrastructure or large buildings. The low-impact uses will allow the preservation of valuable industrial land that can be converted for industrial uses in the future.”

**27. 2002Z-104U-09**  
 Map 81-16, Parcel 730  
 Map 82-13, Parcels 84-95  
 Subarea 9 (1997)  
 District 20 (Haddox)

A request to change from IR district to MUL district properties at 900 10th Avenue North, 902, 904, 908, 914, 916, and 918 Ireland Street, and Ireland Street (unnumbered), abutting the western margin of Ireland Street, (1.44 acres), requested by Phil Ryan of MDHA, appellant, for MDHA, Jeffrey Morales, and Robert Paul, owners.

Project No. Zone Change 2002Z-104U-09  
**Associated Case** None  
**Council Bill** BL2002-1224  
**Staff Reviewer** Hardison

**Staff Recommendation** *Approve*

APPLICANT REQUEST Rezone 1.44 acres from Industrial Restrictive (IR) to Mixed Use Limited (MUL) at 902, 904, 908, 914, 916, 918, Ireland Street, Ireland Street (unnumbered), and 900 10<sup>th</sup> Avenue North.

**Existing Zoning**

IR zoning IR zoning is intended for a wide range of light manufacturing uses.

**Proposed Zoning**

MUL zoning MUL is intended for a medium intensity mixture of residential, retail, and office uses.

**SUBAREA 9 PLAN POLICY**

Residential Medium (RM) RM policy is intended for 4 to 9 dwelling units per acre. A variety of housing types are appropriate for the RM areas, including compact single-family detached units, townhomes and walk-up apartments.

**Hope Gardens Neighborhood Plan** These properties are also a part of the Hope Gardens Neighborhood Plan, which was established in 1996. This plan states the following as the intent for Ireland Street: “*conserve the character of the area, which is primarily detached single-family homes on small lots.*”

**Policy Conflict**

None. These properties are located in the Subarea 9 Plan's Residential Medium (RM) Policy area this rezoning is consistent with the intent of RM policy. Although these properties are in an area calling for single-family detached units the MUN zoning allows for single-family homes as well as townhomes and walk-up apartments all of which are appropriate in the RM policy area.

In the Hope Garden Plan the intent is to develop the northern margin of Ireland Street as residential and the existing industrial zoned property on the southern margin of Ireland Street is to remain. The MUL zoning will not only allow the prescribed residential development but it will also provide a transition between the industrial zoned property and the residential zoned property.

**RECENT REZONINGS** Yes. MPC approved on 4/25/02 (2002Z-034U-09) rezoning parcels 724 and 725 from CS to MUN and parcel 119 from OR20 and RM20 to MUL. Metro Council approved both of this requests.

**TRAFFIC** Based on typical uses in MUL zoning such as a convenience market, offices, and condominiums, approximately 167 to 472 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's**

**Findings** Approve.

**Resolution No. 2002-346**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-104U-09 is **APPROVED (7-0)**:

**The proposed MUL district is consistent with the Subarea 9 Plan's Residential Medium (RM) policy calling for residential development. Although these properties are in an area calling for single-family detached units, the MUL zoning allows for single-family homes as well as townhomes and walk-up apartments—all of which are appropriate in the RM policy. MUL is also consistent with the Hope Gardens Plan calling for the northern side of Ireland Street to be developed as residential and the southern side to remain industrial."**

**FINAL PLATS**

**31. 2002S-261U-05**  
HOWELL SUBDIVISION  
Map 60-12, Parcel 112  
Subarea 5 (1994)  
District 4 (Majors)

A request for final plat approval to subdivide one parcel into three lots abutting the south margin of Hart Lane, approximately 191 feet northwest of Jones Avenue, (.94 acres), classified within the RS10 district, requested by Pierre and Carmina Howell, owners/developers, Land Surveying, Inc., surveyor.

Project No. Subdivision 2002S-261U-05  
**Project Name** Howell Subdivision  
**Associated Cases** None  
**Staff Reviewer** Hardison

**Staff Recommendation** *Approve*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide one 0.93-acre parcel into three lots.

**ZONING**      **RS10 district requiring minimum lot size of 10,000 square feet.**

**VARIANCES TO SUBDIVISION**

**REGULATIONS**      None

**TRAFFIC**

**Traffic Study Submitted** No – none required

**Traffic Engineer’s Recommendation**      Approve

**Resolution No. 2002-347**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-261U-05, is **APPROVED (7-0).**”

**PLANNED UNIT DEVELOPMENTS**

**32. 9-77-U-12**  
Edmondson Commercial Center  
Map 161, Parcel 32  
Subarea 12 (1997)  
District 32 (Jenkins)

A request for a revision to the preliminary plan for a portion of the Commercial Planned Unit Development District located abutting the northeast corner of Old Hickory Boulevard and Edmondson Pike, classified within the SCC district, (7.31 acres), to permit a 39,910 square foot retail food store and a fuel pumping

station to replace the approved 60,000 square foot retail food store, requested by Gresham-Smith and Partners, for Albertson's, Inc., owner.

Project No. Planned Unit Development 9-77-U  
Project Name Edmondson Commercial Center PUD  
*Wal-Mart Neighborhood Market*  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with Conditions*

**APPLICANT REQUEST**

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

Request to revise the Edmondson Commercial Center PUD to allow for the reconstruction of a smaller grocery store and the addition of a fuel pumping station.

**PLAN DETAILS**

The latest revision to the preliminary, approved in 1989, allowed for the development of a 60,000 sq. ft. grocery store, 11,000 sq. ft. of attached retail, and 1,800 sq. ft. of fuel service station. The construction of the grocery store and retail brought total square footage to 70,480, approximately 2,300 sq. ft. under the allowable maximum.

In 1998, the PUD was amended to cancel a 0.63-acre portion of the PUD, which was originally designed for the 1,800 sq. ft. fuel station but was ultimately developed as a drive-thru bank.

The applicant’s plan proposes a 39,910 sq. ft. grocery store to be constructed by Wal-Mart, proposes to leave the existing 10,480 sq. ft. of attached retail unaffected, and proposes to place the fuel pumping station in the northeast corner of the existing parking lot. This fuel station will not provide convenience-type shopping or facilities other than restrooms. Required parking for the fuel station can be accommodated within the existing parking lot. The only major revision to the parking lot is the proposed location of handicapped parking stalls directly in front of the grocery store.

**TRAFFIC ENGINEER’S**

**FINDINGS** Approve, subject to the addition of a note to the plan stating that existing sidewalks located within the public right-of-way, along the property lines, need to be brought into compliance, if necessary, with current Metro standards.

The applicant has proposed new sidewalks along Edmondson Pike in accordance with current standards.

**CONDITIONS**

A final plat needs to be recorded prior to the issuance of any building permits.

**Resolution No. 2002-348**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 9-77-U-12 is given **CONDITIONAL APPROVAL** The following conditions apply:

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

2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. 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.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.”

**33. 65-82-U-10**  
 Maryland Farms  
 Map 170, Parcel 4  
 Subarea 10 (1994)  
 District 33 (Turner)

A request for a revision to the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the south margin of Old Hickory Boulevard at Brentwood Boulevard, classified within the OL district, (.53 acres), to permit the development of a two story, 8,200 square foot office building to replace the 6,500 square foot bank, requested by Barge, Cauthen and Associates, for Solomon Development LLC, owner.

Project No. 65-82-U-10  
**Project Name** Maryland Farms  
 Council Bill N/A  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions, including the construction of sidewalks along the frontage of the property on Old Hickory Boulevard and Brentwood Boulevard. A revised plan showing sidewalks must be submitted to Planning Department prior to the Planning Commission meeting.*

**APPLICANT REQUEST**

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

This request is to revise a portion of the preliminary plan and for final approval to develop a two-story, 8,200 square foot office building, replacing a 6,500 square foot bank.

The applicant has agreed to construct sidewalks along a 140-foot long section on Old Hickory Boulevard and a 140-foot long section on Brentwood Boulevard. Section 17.20.120 of the Zoning Code requires a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of non-residential developments.

**Existing Zoning**

Office Limited (OL)/

Commercial PUD The OL district is intended for moderately intense bank and office uses. The Metro Council approved the existing commercial PUD in 1982, for 89,800 square feet of office, bank, and restaurant uses. A PUD amendment is not required since increasing the square footage on this part of the



PUD by 1,700 square feet does not exceed 10% of the floor area last approved by the Metro Council, and the underlying OL base zoning permits the proposed office use.

**TRAFFIC CONDITIONS** Old Hickory Boulevard is classified as a Scenic Arterial (S4) on the Major Street Plan calling for 4-lanes. Old Hickory Boulevard currently has 4-lanes.

Traffic Engineer’s Findings **No exceptions taken.**

**Resolution No. 2002-349**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 65-82-U-10 is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PUD AND FINAL PUD APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. A revised final PUD plan must be submitted to the Planning Department staff prior to the issuance of any building permits showing the required sidewalks along Old Hickory Boulevard and Brentwood Boulevard.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

**34. 235-84-G-04**  
 Harbor Village Phase IV  
 Map 34-7, Parcel 34  
 Subarea 4 (1998)  
 District 10 (Balthrop)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south terminus of Spring Branch Drive between Twin Hills Drive and Shepherd Hills Drive, classified within the RM9 district, (44.7 acres), to permit the development of 93 multi-family units, requested by Coleman Lake Partners, for Coleman Lake Partners, owner.

Project No. 235-84-G-04  
**Project Name Harbor Village, Phase IV**  
 Council Bill N/A  
 Associated Cases N/A  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions.*

**APPLICANT REQUEST**

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

This request is for final PUD approval to develop 93 multi-family units where 93 multi-family units were approved.

**Existing Zoning**

Multi-Family Res. (RM9)/

Residential PUD The RM9 district is intended for multi-family residential at up to 9 dwelling units per acre. The Metro Council approved an amendment to the PUD plan in July 2002, changing the building locations, internal driveways, and the amount of open space. The PUD was originally approved in 1984.

The 1984 preliminary PUD plan included 125 townhomes and 46 single-family lots for a total of 171 total units in all four phases. Phase IV was approved for 93 two-story, 1,300 square foot townhomes. The current proposal includes 93 townhomes that range in size from 1,300 square feet to 1,900 square feet per unit.

**TRAFFIC CONDITIONS** Access will be through the existing portion of the PUD and to Spring Branch Drive. No traffic improvements were required at the preliminary PUD stage.

**Traffic Engineer’s**

Findings **No exceptions taken.**

**PUD CONDITIONS** The applicant has satisfied all of the conditions that can be met at this stage that were placed on this PUD by the Metro Council. The conditions are as follows:

**The townhomes along the northern property line will be moved to a minimum rear setback of 30 feet except at the five units as shown on the enclosed exhibit (Exhibit A).**

**A 2 to 3 foot minimum berm above the finish floor elevation of the townhomes will be constructed at the rear of the townhomes along the existing sewer line at the northern property line.**

**Existing trees located within the first twenty feet along the northern property line will be left except for five locations where the proposed town homes are closer than 30 feet. At these locations the existing trees will be saved where possible.**

**The required “B” buffer yard will be increased by 25% in planting density along the entire northern property line at these areas where the existing tree line cannot be saved. The quantity of trees and shrubs will be based on the 10-foot buffer even though the designed buffer may be 10 to 30 feet wide. If the existing tree line does not meet the 25% enhanced “B” buffer additional trees and shrubs will be planted to bring the area up to the required buffer. The proposed buffer will be submitted to the adjacent neighbors for comments.**

**Plant materials will be carefully selected at each phase to provide an effective and consistent landscape buffer yard, regardless of the overall construction schedule.**

**There will be no second level windows on the rear (north) face of the structure abutting the northern boundary.**

**Construction activities will be controlled to comply with the Metro Zoning Ordinance’s noise limitations.**

**The developer will seek permission to remove the abandoned structure foundations from a previous phase of Harbor Village throughout the construction process of Phase IV. If permission is secured, the developer will remove said foundations and restore the vacant lots to a clean and maintainable appearance.**

**The minimum unit square footage will be greater than 1,200 square feet including a one-car garage.**

**The maximum unit square footage will not exceed 3,200 square feet including a one-car garage.**

**The total square footage will not exceed 280,000 square feet. If the square footage exceeds 250,000 square feet a full “C” buffer will be installed along the northern property line.**

**If blasting is required a pre-blast survey will be performed to Metro standards.**

**Resolution No. 2002-350**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 235-84-G-04 is given **CONDITIONAL FINAL PUD APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Metro Water Services.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. The townhomes along the northern property line will be moved to a minimum rear setback of 30 feet except at the five units as shown on the enclosed exhibit (Exhibit A).
5. A 2 to 3 foot minimum berm above the finish floor elevation of the townhomes will be constructed at the rear of the townhomes along the existing sewer line at the northern property line.
6. Existing trees located within the first twenty feet along the northern property line will be left except for five locations where the proposed town homes are closer than 30 feet. At these locations the existing trees will be saved where possible. The required "B" buffer yard will be increased by 25% in planting density along the entire northern property line at these areas where the existing tree line cannot be saved. The quantity of trees and shrubs will be based on the 10-foot buffer even though the designed buffer may be 10 to 30 feet wide. If the existing tree line does not meet the 25% enhanced "B" buffer additional trees and shrubs will be planted to bring the area up to the required buffer. The proposed buffer will be submitted to the adjacent neighbors for comments. Plant materials will be carefully selected at each phase to provide an effective and consistent landscape buffer yard, regardless of the overall construction schedule.
7. There will be no second level windows on the rear (north) face of the structure abutting the northern boundary.
8. Construction activities will be controlled to comply with the Metro Zoning Ordinance's noise limitations.
9. The developer will seek permission to remove the abandoned structure foundations from a previous phase of Harbor Village throughout the construction process of Phase IV. If permission is secured, the developer will remove said foundations and restore the vacant lots to a clean and maintainable appearance.
10. The minimum unit square footage will be greater than 1,200 square feet including a one-car garage. The maximum unit square footage will not exceed 3,200 square feet including a one-car garage. The total square footage will not exceed 280,000 square feet. If the square footage exceeds 250,000 square feet a full "C" buffer will be installed along the northern property line.
11. If blasting is required a pre-blast survey will be performed to Metro standards."

**35. 88P-009G-12**  
 Autumn Oaks, Phase 6  
 Map 181-10-A, Part of Parcel 43  
 Subarea 12 (1997)  
 District 31 (Knoch)

A request for final approval for Phase Six of the Residential Planned Unit Development District located abutting the east margin of Nolensville Pike at Autumn Oaks Drive, classified within the R20 district, (7.60

acres), to permit the development of 21 single-family lots, requested by Wamble and Associates, for Autumn Oaks, LLC owner.

Project No. Planned Unit Development 88P-009G-12

Project Name Autumn Oaks Residential PUD

Phase 6

**Council Bill** None

**Associated Case** Revision to preliminary PUD & final approval for phase 5, scheduled for the 9-26-02 MPC meeting.

**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions as follows:*

*Recordation of final plat prior to the issuance of any building permits.*

*Public Works must approve the final PUD plan prior to the Planning Commission meeting.*

*All lots must be designated as critical on the final PUD plan prior to the Planning Commission meeting.*

APPLICANT REQUEST

Preliminary PUD     Revised Preliminary     Revised Preliminary & Final PUD

**Final PUD**     **Amend PUD**     **Cancel PUD**

**Permit the development of 21 single-family lots on the 7.6-acre phase 6 of the Autumn Glen residential subdivision, with phase 6 located off of Scarlet Ridge Drive.**

**PLAN DETAILS** Proposal is consistent with the revised preliminary PUD plan originally scheduled for the September 26, 2002 MPC meeting. The preliminary PUD plan has been revised to provide better interconnectivity of proposed roadways for the remainder of the subdivision; however, phase six is also affected – positively – by revisions to phase 5 which addressed Stormwater Management concerns and compensated for an existing cemetery. This positive revision is the removal of two cul-de-sacs by connecting phases five and six via Red Sunset Trail.

**All lots will be designated as critical lots to be reviewed and approved by Metro Water Services, Public Works, and the Planning Department prior to the issuance of any building permits. A final plat must be recorded and bonds must be posted for the construction of public sidewalks and other necessary public improvements.**

**Resolution No. 2002-351**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-009G-12 is given **CONDITIONAL APPROVAL TO REVISE THE PRELIMINARY PUD AND FINAL PUD APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for sidewalks and public improvements, and including the dedication of the floodway and floodway buffer for a future Metro Greenway Trail.
3. All medians within the Public right-of-way must be maintained by the Homeowner’s Association and an agreement must be signed and approved by Public Works with any final plat that includes a median.

**36. 2000P-003G-06**  
Riverwalk Community Phase Two



**Resolution No. 2002-352**

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-003G-06 is given **CONDITIONAL APPROVAL (7-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal must be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for sidewalks and public improvements, and including the dedication of the floodway and floodway buffer for a future Metro Greenway Trail.
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 re-approval by the Planning Commission.
5. Clearing, grubbing, and/or grading of land within phases 3 and 4 must not occur without final PUD approval for those phases.”

**37. 2000P-005G-06**  
Walgreen’s-Bellevue  
Map 155, Part of Parcel 113  
Subarea 6 (1996)  
District 35 (Waters)

A request for a revision to the preliminary plan and final approval for a phase of the Planned Unit Development District located abutting the north margin of Highway 100, south of Old Harding Pike, classified within the CL district, (6.64 acres), to permit the development of a 14,560 square foot retail drug store and a 7,061 square foot retail building, replacing a 14,560 square foot retail building and a 6,500 square foot retail building, requested by Civil Site Design Group, for James Girard and Mary Johnson, owners, Walgreen's, optionee.

Project No. 2000P-005G-06  
**Project Name** Walgreen’s--Bellevue  
Council Bill N/A  
Associated Cases N/A  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions.*

**APPLICANT REQUEST**

Preliminary PUD     Revised Prelim.     Revised Preliminary & Final PUD  
 Final PUD     Amend PUD     Cancel PUD

This request is to revise a portion of the preliminary plan and for final approval to develop a 14,560 square foot Walgreen’s retail store and a 7,061 square foot retail building on the east side of the Old Harding

Connector road. This plan is only for final PUD approval for only the two buildings on the east side of Old Harding Connector, but the road improvements and sidewalks for the entire plan.

The applicant is also requesting to change several of the traffic conditions that were made part of the preliminary approval. These changes are discussed below under the “Traffic Conditions” portion of the staff report.

Although this is a revision to the preliminary PUD plan, the proposed changes are minor. The changes include the relocation of 5 interior parking spaces and the relocation of the dumpster pad for the 7,061 square foot retail building on the south side of Old Harding Pike.

**Existing Zoning**

Commercial Limited (CL)/

Commercial PUD The CL district is intended for retail, financial, office, and consumer service uses. The existing commercial PUD was approved by the Metro Council in August 2002, for two retail buildings and one retail/restaurant building.

**TRAFFIC CONDITIONS** The Planning Commission approved the preliminary PUD plan with conditions on May 23, 2002, including the following traffic conditions:

1. Prior to the recording of a final plat, two mandatory referrals shall be approved by the Metro Council changing the name of the remaining portion of Old Harding Pike between Collins Road and the relocated portion of Old Harding Pike, and closing a portion of Old Harding Pike west of the Collins Road intersection.

*After discussing this condition with Public Works it has been determined that the remaining portion of Old Harding Pike should keep the name Old Harding Pike, while the new portion of roadway will be called “Old Harding Pike Connector.” With this change, no mandatory referral will be required.*

*The second portion of the condition required a mandatory referral prior to final plat recordation for the abandonment of the portion of Old Harding Pike west of Collins Road. This condition is proposed to be changed to require a mandatory referral to be approved by the Metro Council and a final plat recorded for Map 155, Parcel 105 prior to the issuance of a Use and Occupancy permit for the Walgreen’s.*

In conjunction with the submittal of any final PUD plan, construction plans for all required off-site road improvements shall be submitted to the Planning Commission for review and approval. All traffic improvements listed below shall be completed prior to the issuance of the first Use and Occupancy permit for any portion of the plan:

A new traffic signal at the intersection of Old Harding Pike and the Old Harding Pike Connector.

Modifications to the existing traffic signal at the intersection of the Old Harding Pike Connector and Highway 100.

Modifications to the existing traffic signal at the intersection of Collins Road and Highway 100.

Realignment of Old Harding Pike through parcel 113 on tax map 155 to include a five-lane section, as shown on the approved PUD plan.

Construct a northbound and southbound right and left-turn lane on the old portion of Old Harding Pike at the intersection of the Old Harding Pike Connector and Old Harding Pike.

Construction of all improvements at the Highway 100/Old Harding Pike/Collins Road intersection, as shown on page C1.03 of the submitted PUD plans. These improvements include an eastbound left-turn lane and a westbound right-turn lane onto Collins Road, an eastbound and westbound right-turn and left-turn lane into the Kroger site. The improvements shall also include a southbound left-turn lane from Collins Road to Old Harding Pike and Highway 100. The turn lane shall be increased to allow adequate storage room for cars turning left onto Old Harding Pike.

**Traffic Engineer’s**

**Findings** No exceptions taken. The proposed final PUD plan is consistent with the conditions approved as part of the preliminary PUD plan.

**Resolution No. 2002-353**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. **Parking lot lighting shall have a pole height of no greater than 25 feet. Light at pavement edge to be no greater than 2 footcandles of illumination.**
3. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs. In conjunction with the submittal of any final PUD plan, construction plans for all business signs shall be submitted to the Planning Commission for review and approval. Sign requirements include the following: Monument signs of up to 13 feet in height permitted, as indicated on plan. Monument signs to be constructed with two (2) foot wide architectural columns. Architectural columns to complement the material of the 30 inch parking lot screen walls.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. The remaining portion of Old Harding Pike between the Old Harding Pike Connector and Collins Road should keep the name Old Harding Pike, while the new portion of roadway will be called "Old Harding Pike Connector." With this change, no mandatory referral will be required.
6. Prior to the issuance of a Use and Occupancy permit for the Walgreen's, a mandatory referral must be approved by the Metro Council for right-of-way abandonment along Old Harding Pike, and a final plat must be recorded for Map 155, Parcel 105.
7. In conjunction with the submittal of any final PUD plan, construction plans for all required off-site road improvements shall be submitted to the Planning Commission for review and approval. All traffic improvements shall be completed prior to the issuance of the first Use and Occupancy permit for any portion of the plan, including the following:
  1. • **A new traffic signal at the intersection of Old Harding Pike and the new Old Harding Pike.**
  2. • **Modifications to the existing traffic signal at the intersection of the new Old Harding Pike and Highway 100.**
  3. • **Modifications to the existing traffic signal at the intersection of Collins Road and Highway 100.**
  4. • **Realignment of Old Harding Pike through parcel 113 on tax map 155 to include a five (5) lane section, as shown on the approved PUD plan.**
  5. • **Construct a northbound and southbound right and left-turn lane on the old portion of Old Harding Pike at the intersection of the new Old Harding Pike and Old Harding Pike.**
  6. • **Construction of all improvements at the Highway 100/Old Harding Pike/Collins Road intersection, as shown on page C1.03 of the submitted PUD plans. These improvements include an eastbound left-turn lane and a westbound right-turn lane onto Collins Road, an eastbound and westbound right-turn and left-turn lane into the**



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

Councilmember Summers arrived at 1:15 p.m., at this point in the agenda.

**MANDATORY REFERRALS**

**38. 2002M-083U-11**  
1322 Little Hamilton Avenue Right-of-Way Encroachment  
Map 105-7, Parcel 160  
Subarea 11 (1999)  
District 19 (Wallace)

A request for an existing building to encroach 0.73 feet into the Merritt Avenue Right-of-Way, property located at 1322 Little Hamilton Avenue, as requested by George W., Sr. and Edna Ruth P. Darby, property owners.

Project No. Mandatory Referral 2002M-083U-11  
Project Name 1322 Little Hamilton Avenue Right-of-Way Encroachment  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve, subject to receipt of all required departmental approvals.*

**APPLICANT REQUEST** A request for an existing building to encroach 0.73 feet into the Merritt Avenue Right-of-Way, property located at 1322 Little Hamilton Avenue.

**APPLICATION REQUIREMENTS**

License to Encroach Agreement **Yes – one was submitted in correct form.**  
**Insurance Certificate** Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$1,000,000 for general aggregate coverage, as allowed by Metro Legal.

**Property Owner Sign Application** Yes

**Tenant Sign Application** N/A

**DEPARTMENT AND AGENCY**

**COMMENTS** None

**RECOMMENDATION** Approval, subject to receiving all required departmental approvals.

**Resolution No. 2002-354**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-083U-11 is **APPROVED (7-0).**"

**39. 2002M-097U-08**  
Lease Agreement for Property known  
as Riverview Business  
Map 70-11, Parcel 6  
Subarea 8 (1995)

District 20 (Haddox)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and Duke Realty Limited Partnership for certain real property located at 523 Mainstream Drive, commonly known as Riverview Business Center II, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, as requested by Metro Public Property Administration.

Project No. Mandatory Referral 2002M-097U-08  
Project Name Lease Agreement for property known as Riverview Business Center II  
**Council Bill** BL2002-1211  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and Duke Realty Limited Partnership for certain real property located at 523 Mainstream Drive, commonly known as Riverview Business Center II, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, as requested by Metro Public Property Administration.

**APPLICATION REQUIREMENTS** None

**DEPARTMENT AND AGENCY COMMENTS** None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-355**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-097U-08 is **APPROVED (7-0).**"

**40. 2002M-098U-08**  
Lease Agreement for Property known  
as First Image Building  
Map 70-11, Parcel 2  
Subarea 8 (1995)  
District 20 (Haddox)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and The Northwestern Mutual Life Insurance Company for certain real property located at 501 Great Circle Road, commonly known as First Image Building, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, with the option to extend for two (2) additional years, as requested by Metro Public Property Administration.

Project No. Mandatory Referral 2002M-098U-08  
Project Name Lease Agreement for property known as First Image Building  
**Council Bill** BL2002-1210  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and The Northwestern Mutual Life Insurance Company for certain real property located at 501 Great Circle Road, commonly known as First Image Building, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, with the option to extend for two (2) additional years, as requested by Metro Public Property Administration.

**APPLICATION REQUIREMENTS** None

**DEPARTMENT AND AGENCY**  
**COMMENTS** None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-356**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-098U-08 is **APPROVED (7-0)**."

- 41. 2002M-099U-08**  
Lease Agreement for Property known as Corners I  
Map 70-10, Parcel 17  
Subarea 8 (1995)  
District 20 (Haddox)

An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and Peter Bruce Ltd. for certain real property located at 601 Mainstream Drive, commonly known as Corners I, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, as requested by Metro Public Property Administration.

**Project No.** Mandatory Referral 2002M-099U-08  
**Project Name** Lease Agreement for property known as Corners I  
**Council Bill** BL2002-1212  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** An ordinance approving a lease agreement between the Metropolitan Government of Nashville & Davidson County and Peter Bruce Ltd. for certain real property located at 601 Mainstream Drive, commonly known as Corners I, in order to provide temporary space for the Courts and related services for a term beginning April 1, 2003 and ending on March 31, 2006, as requested by Metro Public Property Administration.

**APPLICATION REQUIREMENTS** None

**DEPARTMENT AND AGENCY**  
**COMMENTS** None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-357**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-099U-08 is **APPROVED (7-0).**"

**42. 2002M-102U-10**

The Row at 31st Avenue Sewer Line Easement  
Abandonment and Relocation  
Map 104-2, Parcels 244 and 247  
Subarea 10 (1994)  
District 21 (Whitmore)

A request to abandon and relocate a portion of a 20-foot sewer easement and 36-inch sanitary sewer main for Project No. 02-SL-048, property located at The Row at 31st Avenue, as requested by Metro Department of Water and Sewerage Services.

Project No. Mandatory Referral 2002M-102U-10  
Project Name The Row at 31st Av. Sewer Line Easement Abandonment & Relocation  
**Council Bill** None  
**Associated Case** Project No. 02-SL-48  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** **A request to abandon and relocate a portion of a 20-foot sewer easement and 36-inch sanitary sewer main for Project No. 02-SL-048, property located at The Row at 31st Avenue, as requested by Metro Department of Water and Sewerage Services.**

**APPLICATION REQUIREMENTS** **None**

**DEPARTMENT AND AGENCY**

**COMMENTS** None

**RECOMMENDATION** All reviewing departments and agencies recommend approval.

**Resolution No. 2002-358**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-102U-10 is **APPROVED (7-0).**"

**43. 2002M-103U-08**

Underground Encroachment for Meharry Medical College  
Map 92-3, Parcels 136, 282 and 406  
Subarea 8 (1995)  
District 19 (Wallace)

A request to extend voice and data communication lines from the Lloyd C. Elam Center to the Henry Moses Building, both of Meharry Medical College, by installing two 4-inch conduits 18 to 24 inches under the 21st Avenue North Right-of-Way, approximately 150 feet north of the Albion Street / 21st Avenue North intersection, requested by Meharry Medical College.

Project No. Mandatory Referral 2002M-103U-08  
Project Name Underground Encroachment for Meharry Medical College  
**Council Bill** None  
**Associated Case** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve, subject to receipt of all required departmental approvals.*

**APPLICANT REQUEST** **A request to extend voice and data communication lines from the Lloyd C. Elam Center to the Henry Moses Building, both of Meharry Medical College, by installing two 4-inch conduits 18 to 24 inches under the 21st Avenue North Right-of-Way, approximately 150 feet north of the Albion Street / 21st Avenue North intersection, requested by Meharry Medical College.**

**APPLICATION REQUIREMENTS**

**License to Encroach Agreement** Yes – one was submitted in correct form.

**Insurance Certificate** Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for general aggregate coverage, as allowed by Metro Legal.

**Property Owner Sign Application** Yes

**Tenant Sign Application** N/A

**DEPARTMENT AND AGENCY**

**COMMENTS** None

**RECOMMENDATION** Approval, subject to receiving all required departmental approvals.

**Resolution No. 2002-359**

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-103U-08 is **APPROVED (7-0).**"

**OTHER BUSINESS**

44. Hillsboro Village UDO Design Review Advisory Committee

Project Name HILLSBORO VILLAGE UDO DESIGN REVIEW ADVISORY COMMITTEE

**Staff Reviewer** Fawcett

Business and neighborhood leaders in the Hillsboro Village area have requested a formal role in the process of administering the UDO guidelines. They have three purposes in mind. The first is to monitor the success of the UDO guidelines in carrying out the purpose and intent of the UDO district. Where they find the guidelines to be ineffective or insufficient, they would make recommendations for amendment of the guidelines. The second is to monitor the Planning Department's administration of the guidelines and provide feedback where the guidelines are vague or the applicability is not clear. The third is to encourage applicants for construction projects to upgrade their proposals in order to carry out the purpose and intent of the UDO guidelines at a higher level than the regulatory minimum standards.

Accordingly, staff has worked with these leaders and Councilmember Ginger Hausser to prepare for your approval a document that establishes a Hillsboro Village UDO Design Review Advisory Committee. The document sets forth the purposes, membership requirements, and procedures of the committee.

**HILLSBORO VILLAGE UDO DESIGN REVIEW ADVISORY COMMITTEE**

Recognizing that interpretation of the intent of design guidelines of various Urban Design Overlay Districts (UDO) from time to time requires the exercise of judgment in the approval of final construction plans and recognizing that feedback from affected community representatives may provide valuable insight in the exercise of that judgment, the planning commission hereby establishes an advisory committee for the Hillsboro Village Urban Design Overlay District.

The design review committee shall consist of nine (9) members, who shall be:

- i. A Hillsboro Village UDO retail merchant owner representative
- A Hillsboro Village UDO restaurant owner representative
- A Hillsboro Village UDO office or mixed use owner representative
- A representative of the Hillsboro-West End Neighborhood Association
- A representative of the Belmont-Hillsboro Neighbors, Inc.
- A Vanderbilt University representative
- A Belmont United Methodist Church representative
- A Financial Institution representative
- A Hillsboro Village Merchants Association representative.

At least five (5) of the committee members shall represent owners of property within the Hillsboro Village UDO.

The design review committee shall be approved by resolution of the Planning Commission. The metropolitan council member(s) who represents the Hillsboro Village UDO shall be provided an opportunity to recommend business owner representatives for service on the design review committee and to recommend institutional, business and neighborhood organization or association representatives in the event those organizations do not furnish nominations. . Upon its approval by the planning commission, the committee may elect officers and establish any rules determined necessary by a majority of its members. The planning department shall provide staff as necessary to assist the committee in performing its functions.

b. Prior to approval of an application, the design review committee shall be given the opportunity to review applications for final construction plan approval for properties within the Hillsboro Village UDO for consistency with the overlay district guidelines and provide recommendations on proposed projects to the planning department.

c. The committee shall convene by whatever means it deems appropriate within five working days of being notified by the planning department that an application is pending or has been received or the planning department shall consider that the committee has no comments or recommendations for consideration. A recommendation of the design review committee shall reflect a majority vote of the members of the committee. In the event that a recommendation of the committee differs from the Planning Department's determination of compliance with the UDO guidelines, the matter shall be referred to the Planning Commission for a final determination.

**Resolution No. 2002-360**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Hillsboro Village UDO Design Review Advisory Committee.”

- 45. Employee Contract for Ryan Latimer

**Resolution No. 2002-361**

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Ryan Latimer.”

46. Executive Director Reports

47. Legislative Update

This concluded the items on the consent agenda.

## **PUBLIC HEARING**

### **PUBLIC HEARING ITEMS FROM SEPTEMBER 26, 2002 COMMISSION MEETING**

#### **ZONING MAP AMENDMENTS**

- 1. 2002Z-099U-12**  
Map 162, Parcels 71 and 206  
Subarea 12 (1997)  
District 31 (Knoch)

A request to change from AR2a district to CS district properties at 529 Benzing Road and Bell Road (unnumbered), abutting the northern margin of Bell Road and the southern margin of Benzing Road, (1.12 acres), requested by Robert L. Hickman of Mathews Development Company, appellant, for Claire Baker, C. R. Wilkerson and C. Reasonover et al, owners.

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

Project No. Zone Change 2002Z-099U-12  
**Associated Case** None  
**Council Bill** None  
**Staff Reviewer** Hardison

**Staff Recommendation** *Disapprove as contrary to the General Plan. The proposed zoning is inconsistent with the Subarea 12 Plan's Residential Medium (RM) Policy.*

**APPLICANT REQUEST** Rezone 1.12 acres from Agricultural (AR2a) to Commercial Service (CS) at 529 Benzing Road and Bell Road (unnumbered).

**Existing Zoning**

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

**Proposed Zoning**

CS zoning CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

**SUBAREA 12 PLAN POLICY**

Residential Medium (RM) RM policy is intended for 4 to 9 dwelling units per acre. A variety of housing types are appropriate for the RM areas, including compact single-family detached units, townhomes and walk-up apartments.

**Policy Conflict**

Yes. These properties are located in the Subarea 12 Plan's Residential Medium (RM) Policy area this rezoning is inconsistent with the intent of RM policy. The subarea plan states the following:

*“Within this RM area, commercial development is occurring in conformance with the unmapped Retail Neighborhood (RN) policy. This retail policy is designed to meet the recurrent primary needs of the neighborhood and expansion of this commercial area is not recommended.”*

This unmapped commercial node is located at the intersection of Bell Road and Old Hickory Boulevard. These properties are over 1,200 feet to the east of that intersection and is in no way considered apart of that unmapped commercial node.

Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more than 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

Currently these properties are adjacent to residential uses to the east, west, and north. The Planning Commission recently recommended disapproval of commercial rezoning of the properties to south as an over-extension of the unmapped commercial node.

**RECENT REZONINGS** Yes. MPC recommended disapproval of (2002Z-076U-12) rezoning parcels 105 and 130 from AR2a to CL and parcels 100, 101, 102, 103, 129, 194, 195, 196, 197, and 198 from AR2a to SCR on 8/22/02. Currently both of these rezonings are before the Metro Council.

**TRAFFIC** Based on typical uses in CS zoning, with on site parking allowing 10,000 sq. ft. of commercial development per acre, such as a fast-food restaurant, gas station with convenience market, and quick lubrication vehicle shop, approximately 448 to 5,557 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Metro Traffic Engineer’s Findings** Approve.

Mr. Chad Moff, representing the applicant, explained the proposal.

An unidentified lady spoke in favor of the proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan

#### **Resolution No. 2002-362**

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-099U-12 is **DISAPPROVED as contrary to the General Plan (7-0)**:

**The proposed CS district is not consistent with the Subarea 12 Plan’s Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. The proposed CS district is not consistent with the existing residential zoning pattern north of Bell Road. These properties are not part of the unmapped commercial node at the Bell Road/Old Hickory Boulevard intersection.”**

#### **PRELIMINARY PLAT SUBDIVISIONS**

**8. 2002S-229G-14**  
WINDSTAR ESTATES  
Map 43, Part of Parcels 7 and 8  
Subarea 14 (1996)  
District 11 (Brown)



A request for preliminary plat approval for 84 lots abutting the southwest margin of Swinging Bridge Road and the northwest corner of Warren Drive and Keeton Avenue, (38.27 acres), classified within the R10 and R15 districts, requested by Gene H. Scott, Jr., owner, Charlie Rhoten, developer, Burns and Associates, Inc., surveyor.

Mr. Kleinfelter stated staff recommends conditional approval.

Project No. Subdivision 2002S-229G-14  
Project Name Windstar Estates  
**Associated Cases** None  
**Deferral** Deferred by the MPC on 8/22/02  
**Staff Reviewer** Jones

**Staff Recommendation** *Approve with the following conditions:*

*No grading permit issued prior to final plat approval  
A geotechnical study indicating the location and extent of sinkholes shall be submitted to the Stormwater Division of Water Services with grading plans prior to grading plan approval;  
**Grading plans will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties;  
The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state;  
Warren Drive and Keeton Avenue along the property's frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation; and  
Public Works must approve the proposed "Divided Roadway Entrance" prior to final plat approval.***

APPLICANT REQUEST

Preliminary Plat     Preliminary & Final Plat     Final Plat

Subdivide 38.27 acres into 84 lots using the cluster lot option, at a proposed density of 2.2 units per acre.

**ZONING**        **R15 district requiring minimum lot size of 15,000 sq. ft. and R10 district requiring minimum lot size of 10,000 sq. ft.**

**CLUSTER LOT** Applicant proposes to reduce lots two base zoning districts, from R15 (minimum 15,000 sq. ft. lot) to R8 (minimum 8,000 sq. ft. lot) and from R10 (minimum 10,000 sq. ft. lot) to R6 (minimum 6,000 sq. ft. lot). The proposed lots range in size from 7,500 sq. ft. to nearly 15,000 sq. ft.

**Landscape Buffer yards** The Cluster Lot Option within the Zoning Regulations 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 perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard "C" landscape buffer yard.

The proposed plat shows a standard "C" landscape buffer yard between the abutting property line and lots 55, 56, 74, and 75, as well as a standard "B" landscape buffer yard between the abutting property line and lots 2, 3, 4, 7, 8, and 9.

Proposed lots 9 and 10 are double-frontage lots. Double-frontage lots are lots containing front and rear frontage on a public street. The Cluster Lot Option within the Zoning Regulations allows double-frontage lots oriented to an internal street to be reduced in size the equivalent of one zoning district provided that a standard "C" landscape buffer yard is provided within common open space along the existing street, or lots may be reduced in size the equivalent of two zoning districts with the installation of a standard "D" buffer yard. A standard "C" landscape buffer yard has been provided to satisfy this requirement.

No landscape buffer yard is required for the lots abutting the southern property line because they meet the minimum lot size requirements for the base zoning.

### **SUBDIVISION DETAILS**

**Floodplain** The majority of this property lies within the floodplain of the Cumberland River. The Zoning Regulations encourage subdivisions containing natural floodplain and floodway areas to employ the cluster lot option. The cluster lot option allows the clustering of lots within the manipulated areas of the natural floodplain with the condition that at least, “one-half of the natural floodplain area including all of the floodway area shall be dedicated as common open space and maintained in a natural state, with the clearing of trees and brush exceeding eight inches in diameter prohibited” (17.28.040A2).

The proposed subdivision dedicates one-half of the natural floodplain area as common open space, and labels the open space as “to be maintained in a natural state.”

**Sinkholes** The property contains several large depressions that may be sinkholes. The Stormwater Division of the Water Services Department has indicated that a geotechnical study indicating the location and extent of sinkholes must be submitted prior to grading plan approval. The final lot count and layout may be effected by the findings of the geotechnical study.

**Street Layout and Access** Access to the development is proposed at the intersection of existing Warren Drive and Keeton Avenue. Public Works has indicated that a traffic device such as a roundabout may be necessary in order to provide an acceptable intersection at this point. The plat shows a “Divided Roadway Entrance” at the intersection, but Public Works will have to approve the entrance prior to final plat approval.

Warren Drive and Keeton Avenue both contain fifty feet of right-of-way, but the streets are currently not built to Public Works standards. Warren Drive and Keeton Avenue along the property’s frontage shall be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation.

The plat proposes a street connection to the property to the north as well as two stub-out streets for future development to the west.

**Blue-Line Stream and Ponds** The proposed plat preserves an existing blue-line stream and a series of ponds in the northern portion of the site. A twenty-five-foot-wide buffer is shown from the top of bank of the blue-line stream. The stream and ponds are located within common open space.

**SUBDIVISION VARIANCES** None

### **CONDITIONS**

No grading permit issued prior to final plat approval;  
A geotechnical study indicating the location and extent of sinkholes shall be submitted to the Stormwater Division of Water Services with grading plans prior to grading plan approval  
Grading plans will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties;  
The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state;  
Warren Drive and Keeton Avenue along the property’s frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation; and  
Public Works must approve an appropriate intersection of Warren Drive and Keeton Avenue prior to final plat approval.

Ms. Sandra Scott and Mr. Gene Scott, property owners, spoke in favor of the proposal and asked this item be voted on today regardless of Councilmember Feller Brown’s deferral request.

Mr. Albert Pellark spoke in favor of the proposal.

Councilmember Phil Ponder, spoke on behalf of Councilmember Brown and stated he is requesting this be deferred for one meeting.

Mr. Charlie Rhoten, developer, spoke in favor of the proposal and stated Councilmember Brown has had all kinds of opportunities to speak and prepare for this, and he asked for approval.

Mr. Burns stated there he didn't see any need for this to be stopped at this point.

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

The Commission agreed there were several problems with this application.

Councilmember Summers moved and Mr. Clifton seconded the motion to defer for two weeks, which failed, with Ms. Cummings, Mr. Clifton and Councilmember Summers in favor and with Mr. Tyler, Mr. McLean, Ms. Nielson, Chairman Lawson and Ms. Jones in opposition.

Mr. McLean moved and Ms. Jones seconded the motion to approve, which carried with Councilmember Summers in opposition.

#### **Resolution No. 2002-363**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2002S-229G-14, is **DISAPPROVED MOTION TO DEFER TWO WEEKS; APPROVED (6-1).**

**Staff recommends approval of the preliminary plat with the condition that the applicant satisfy the following:**

1. No grading permit issued prior to final plat approval;
2. A geotechnical study indicating the location and extent of sinkholes shall be submitted to the Stormwater Division of Water Services with grading plans prior to grading plan approval;
3. Grading plans will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties;
4. The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state;
5. Warren Drive and Keeton Avenue along the property's frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation; and
6. Public Works must approve the proposed “Divided Roadway Entrance” prior to final plat approval.
7. A bond for the extension of roads, sidewalks, and public utilities prior to final plat recordation.”

#### **FINAL PLATS**

**9. 2002S-260A-12**  
MCMURRAY WOODS ADDITION, Section 1, Lot 25  
Map 161-7, Parcel 103  
Subarea 12 (1997)  
District 32 (Jenkins)

A request to amend the setback line on Hilson Drive from 20 feet to 10 feet on a lot abutting the northwest corner of Hilson Drive and Amalie Drive, (.29 acres), classified within the R10 district, requested by Phillip M. Griffin, owner/developer.

Ms. Fuller stated staff recommends disapproval.

Project No. Subdivision 2002S-260A-12  
Project Name McMurray Woods Addition, Sect. 1, Lot 25  
**Associated Cases** None  
Staff Reviewer **Fuller**

**Staff Recommendation** *Disapprove*

**APPLICANT REQUEST**

Preliminary Plat  Preliminary & Final Plat  Final Plat  
Reduce the setback on Hilson Drive from 20 feet to 10 feet. The subject property is located at the corner of Hilson Drive and Amalie Drive. The dwelling unit fronts on Amalie Drive.

**ZONING** **R10 district requiring minimum lot size of 10,000 sq. ft.**

**SUBDIVISION DETAILS** The final plat of McMurray Woods Addition; Section 1 was recorded in 1973 with minimum building setback lines of 20-feet on both Hilson Drive and 30-feet on Amalie Drive. The front of the house faces Amalie Drive. Both Hilson Drive and Amalie Drive are classified as local streets.

Section 17.12.030.C.3 of the Zoning Ordinance applies to this request. In residential areas with an established development pattern and when the subject lot abuts a side street, the value provided in Table 17.12.030A (street setbacks) shall be used for the setback on that side. The setback provided in Table 17.12.030A for an R10 zoned property abutting a local street is 20 feet. Therefore, this request is 10 feet short.

It appears that Section 17.12.030.C.2 of the Zoning Ordinance could be applied to this request. That section states that a corner residential lot created prior to effective date of the ordinance (1998) may reduce the required setback of Table 17.12.030A by 50 percent along that street running parallel with the side of the structure. This would allow the setback to be reduced to 10 feet (assuming that any public utilities having easements in the setback agree to the reduction).

Staff recommends, however, that Section 17.12.030.C.3 be applied in this instance to protect the established setback pattern on Hilson Drive.

Mr. Phillip Griffin, property owner, spoke in favor of the proposal.

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

Mr. Clifton moved and Ms. Cummings seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2002-364**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-260A-12, is **APPROVED (7-0).**”

**PUBLIC HEARING ITEMS FOR OCTOBER 10, 2002 COMMISSION MEETING**

**24. SUBAREA PLAN 13 AMENDMENT**

Amendment to the plan for Subarea 13 in the vicinity of Murfreesboro Pike, Mt. View Road, Hamilton Church Road, Hobson Pike, Pin Hook Road, Old Hickory Boulevard, and LaVergne-Couchville Pike

Project No. Request to Amend the Subarea  
13 Plan: 1996 Update

**Associated Case** None

**Council Bill** None

**Staff Reviewer** Wood

**Staff Recommendation** *Approve*

**APPLICANT REQUEST** Change land use policies from Residential Low-Medium density (RLM), Residential Low-Medium Density (RM), Residential Medium-High Density (RMH), Commercial Arterial Existing (CAE), and Commercial Mixed Concentration (CMC) to Open Space (OS), Neighborhood General (NG), Neighborhood Center (NC), and Community Center (CC and establish a recommended collector street system and greenway system for the amendment area.

No one was present to speak at the public hearing.

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

Mr. McLean moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2002-365**

“WHEREAS, the Metropolitan Planning Commission adopted the *Subarea 13 Plan: 1996 Update* on October 17, 1996; and

WHEREAS, Chapter 3 Section 3.42 C on Page 54 of this plan contains a Residential Low-Medium density land use policy for Area 4F; and

WHEREAS, Chapter 3 Section 3.42 C on Page 54 of this plan contains a Residential Low-Medium density land use policy for Area 4G; and

WHEREAS, Chapter 3 Section 3.42 C on Pages 56-57 of this plan contains a Residential Medium density land use policy for Area 5E; and

WHEREAS, Chapter 3 Section 3.42 C on Pages 57-58 of this plan contains a Residential Medium-High density land use policy for Area 6E; and

WHEREAS, Chapter 3 Section 3.42 C on Page 58 of this plan contains a Residential Medium-High density land use policy for Area 6F; and

WHEREAS, Chapter 3 Section 3.42 C on Pages 65-66 of this plan contains a Commercial Mixed Concentration land use policy for Area 11H; and

WHEREAS, Chapter 3 Section 3.42 C on Page 68 of this plan contains a Commercial Arterial Existing land use policy for Area 12E; and

WHEREAS, a public hearing was held on October 10, 2002 to consider the merits of changing the land use policy category for portions of those seven areas as shown on Attachment A to Neighborhood General, Neighborhood Center, Open Space, and Community Center; and

WHEREAS, the Metropolitan Planning Commission finds that this change is warranted;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 2 to the *Subarea 13 Plan: 1996 Update* as set forth in “Attachment A” to this resolution and incorporates this amendment into the *Subarea 13 Plan: 1996 Update.*”

“Attachment A” to Resolution 2002-

**AMENDMENT NO. 2 TO THE SUBAREA 13 PLAN: 1996 UPDATE**

The *Subarea 13 Plan: 1996 Update* is amended as follows:

- a) by changing the Table of Contents on pages ix and x to:
  - i) Change the word “Appendix” to “Appendices”
  - ii) Designate “Historic Properties in Subarea 13” as “Appendix A”
  - iii) Add a reference to “Appendix B: Detailed Descriptions of Open Space, Neighborhood General, Neighborhood Center, and Community Center Policies”
  - iv) Add a reference to “Appendix C: Land Use Policies for Areas Without Detailed Neighborhood Design Plans”
  - v) Add a reference to “Figure 4-3 New Collector Street Network for the Brooklin Area
  
- b) by changing the text of the second paragraph of Chapter 3, Section 3.42.A on pages 43 and 44 and the list of mapped policy categories on page 44 to read as follows:

**LIST OF LAND USE POLICY CATEGORIES USED WITHIN THE SUBAREA.** The land use classification system established in *Land Use Policy Application* includes eighteen “mapped” categories of land use policies that are used to form the subarea Land Use Policy Plans and four policy categories not reflected on the Land Use Policy Plan graphic. The unmapped categories may be applied within the subarea based on written locational principles in *Land Use Policy Application* or at the end of this chapter. There are also general policies and guidelines that are applicable to all policy categories used in *Land Use Policy Application*. In addition, several new categories were added to the subarea planning system in 2002 with the adoption of *The Plan for Subarea 8: The North Nashville Community – 2002 Update*. Listed below are the policy categories utilized in the *Subarea 13 Plan: 1996 Update* as amended in 2002.

| <u>Names of Mapped Policy Categories</u> | <u>Symbols</u> |
|--|----------------|
| Natural Conservation                     | NCO            |
| Major Public Open Space                  | MPOS           |
| Interim Non-urban                        | IN             |
| Residential Low-Medium Density           | RLM            |
| Residential Medium Density               | RM             |
| Residential Medium-High Density          | RMH            |
| Residential High Density                 | RH             |
| Office Concentration                     | OC             |

|   |     |     |
|---|-----|-----|
| Retail Concentration Community  | RCC |     |
| Regional Activity Center  | RAC |     |
| Commercial Mixed Concentration  | CMC |     |
| Commercial Arterial Existing  |     | CAE |
| Mixed Use   |     | MU  |
| Industrial and Distribution   | IND |     |
| Major Transportation  |     | MT  |
| Special Use Area (overlay policy for<br>Future uncommitted uses only) | SUA |     |
| Neighborhood General  | NG  |     |
| Neighborhood Center   |     | NC  |
| Community Center  |     | CC  |
| Open Space  |     | OS  |

c) by changing the text of the first sentence of the paragraph with the heading “Policies for Natural Conservation, Major Public Open Space, and Interim Non-urban Areas” on page 45 of Chapter 3, Section 3.42.C.1 to read as follows:

Three categories of land use policy in *Land Use Policy Application* are designed to achieve the goals for conservation of environmentally sensitive areas, for major public open space and recreational areas, and for areas which develop at low intensities for long term infrastructural reasons that are generally not expected to intensify during the planning period: Natural Conservation (NCO), Major Public Open Space (MPOS), and Interim Non-urban (IN).

d) by changing the text for the section with the heading “Natural Conservation (NC) Policy” on pages 45-47 such that the abbreviation “NC” is changed to “NCO” each time it is used.

e) by changing the text of the second to the last sentence of the paragraph with the heading “Residential Low-Medium Density (RLM) Policy” on page 51 of Chapter 3, Section 3.42.C.2 to read as follows:

RLM policy applies to eight areas identified as 4A-4H on the Land Use Policy Plan.

f) by changing the text for the description of Area 4G, on page 54 of Chapter 3, Section 3.42.C.2 to read as follows:

**Area 4G:** This RLM policy applies to the area roughly bounded by Mt. View Road, J. Percy Priest Reservoir, and the rear lot lines of properties facing the north side of Hamilton Church Road. It is a developing low medium density residential area with much potential for future residential development. In addition to the general RLM policies, the following guidelines apply.

1. Careful consideration should be given to the adequacy of infrastructure needed to accommodate large amounts of development in this area. Transportation system improvements, such as widening Hobson Pike, may be necessary before major amounts of residential development can be approved in this area.
2. Known sinkhole geology affects this area, and should be taken into account as part of the review of any development proposals involving sites in this area.
3. Some of the most significant clusters of Cedar Glades species may be located in this area, and should be taken into account as part of the review of any development proposals involving sites in this area.

g) by inserting text for a new RLM Area 4H after the text for RLM Area 4G on page 54 of Chapter 3, Section 3.42.C.2 to read as follows:

**Area 4H:** This RLM policy applies to the area roughly bounded by Pin Hook Road, the rear lot lines of properties facing the east side of LaVergne-Couchville Pike and the rear lot lines of properties facing the south side of Old Hickory Boulevard, the north side of Maxwell Road, the Rutherford County line, RM Area 5F, and RMH Area 6K.

4. Any additional residential development should be compatible with existing development.
5. Known sinkhole geology affects this area, and should be taken into account as part of the review of any development proposals involving sites in this area.
6. Some of the most significant clusters of Cedar Glades species may be located in this area, and should be taken into account as part of the review of any development proposals involving sites in this area.

h) by changing the text for the next to last sentence of the paragraph with the heading “Residential Medium Density (RM) Policy” on pages 54-55 of Chapter 3, Section 3.42.C.2 to read as follows:

RM policy applies to six areas identified as 5A-5F on the Land Use Policy Plan.

i) by changing the text for Area 5E on pages 56-57 of Chapter 3, Section 3.42.C.2 to read as follows:

**Area 5E:** This RM policy applies to the elongated area parallel to and on the east side of Murfreesboro Pike, between Forest View Drive and about 925 feet north of Mt. View Road. It is a mostly vacant and underutilized area, and should be developed at a residential medium density character. In addition to the general RM policies, the following guidelines apply.

1. Medium density residential at the middle to high end of the density range is appropriate on the remaining undeveloped or underutilized sites.
2. Known sinkhole geology affects this area, and should be taken into account as part of the review of any development proposals involving sites in this area.

j) by inserting the following into page 57 of Chapter 3, Section 3.42.C.2 immediately after the paragraph describing Area 5E:

**Area 5F:** This RM policy applies to the elongated area parallel to and on the east side of Murfreesboro Pike, between Maxwell Road and about Rock Creek Drive. It is a mostly underutilized area, and should be developed at a residential medium density character. In addition to the general RM policies, the following guidelines apply.

3. Medium density residential at the middle to high end of the density range is appropriate on the remaining undeveloped or underutilized sites.
4. Known sinkhole geology affects this area, and should be taken into account as part of the review of any development proposals involving sites in this area.

k) by changing the text for the first sentence of the paragraph describing Area 6E on pages 57-58 of Chapter 3, Section 3.42.C.2 to read as follows:

**Area 6E:** This RMH policy applies to the largely vacant area along both sides of Murfreesboro Pike from Hamilton Church Road to Mt. View Road and along the west side of Murfreesboro Pike between Mt. View Road and Old Hickory Boulevard.



l) by changing the text for the first sentence of the paragraph describing Area 6F on page 58 of Chapter 3, Section 3.42.C.2 to read as follows:

**Area 6F:** This RMH policy applies to the largely vacant area along the east side of Murfreesboro Pike between Old Hickory Boulevard and the Rutherford County line.

m) by changing the text for of the paragraph describing Area 11H on pages 65-66 of Chapter 3, Section 3.42.C.3 to read as follows:

**Area 11H:** This CMC applies to the area on the southwest side of Murfreesboro Pike on the east side of Old Hickory Boulevard. This area contains AmSouth Amphitheater, and some vacant land and a few houses to the south and west of the amphitheater. The future proposed alignment of the Southeast Arterial may affect this area, and should be taken into account as part of the review of any development proposals involving sites in this area.

n) by changing the text for the next to last sentence of the paragraph with the heading “Commercial Arterial Existing (CAE) Policy” on page 67 of Chapter 3, Section 3.42.C.3 to read as follows:

CAE policy applies to four areas identified as 12A-12D on the Land Use Policy Plan.

o) by deleting the text describing Area 12E on page 68 of Chapter 3, Section 3.42.C.3.

p) by inserting the following text on page 74 of Chapter 3, Section 3.42.C immediately before Section 3.42.D:

**4. POLICIES FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT AREAS.** Four different policy categories are applied in this plan for areas of traditional neighborhood development. Traditional neighborhood development is distinguished from conventional suburban development in that it focuses on the neighborhood as the essential building block of the city. In traditional neighborhood development, neighborhoods are compact, walkable areas that support a mixture of uses that serve the daily needs of residents. Four traditional neighborhood development policy categories are used in this subarea plan. They are: Neighborhood General (NG), Neighborhood Center (NC), Community Center (CC), and Open Space (OS). Brief descriptions of these categories are provided below. For more detailed descriptions and the tables used to guide development in these areas, see Appendices B - .

**Open Space:** Open Space is a very general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation OS\* indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Types of uses intended within OS and OS\* areas range from active and passive recreational areas, reserves, land trusts and other open spaces; to civic uses; and public benefit activities deemed by the community to be "open space." OS and OS\* areas can range from very large sites encompassing thousands of acres to very small sites that are a fraction of an acre. Very large OS and OS\* areas are elements of the community's structural framework, while smaller OS and OS\* areas are integral elements of planning neighborhoods. Generally, large OS and OS\* areas are intended to be low intensity and limited to accessory buildings commonly associated with the principal activity. Smaller "open space" areas, especially those with such uses as schools and recreation centers, may be fairly intensely developed.

Open Space policy is applied to five areas, identified as Areas 17A-17E on the Land Use Policy Plan.

**Neighborhood General:** Neighborhood General is a classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located. For example, medium density housing, such as townhouses, might be situated at the edge of the NG area between busy mixed-use buildings in a Community Center area and lower density housing in the Neighborhood General area. Townhouses might also be located on busy streets that connect a Neighborhood Center area to a Community Center area to provide transition from a busy street to lower intensity housing within the neighborhood. Regardless of location, the right mix of density is the key to the success of a NG area. Too much of one type of residential development could be detrimental to the neighborhood. Civic and public benefit activities are also characteristic of NG areas. Transitional offices are another use occasionally found along the edges of NG areas next to an intense center or incompatible district. Older, established NG areas may also contain isolated pockets or spots of nonconforming nonresidential development. All NG areas are intended to be integral elements of planning neighborhoods.

Neighborhood General is applied to one area, identified as Area 18A on the Land Use Policy Plan.

**Neighborhood Center:** Neighborhood Center is the classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. A NC area may consist of no more than a single-use or mixed-use "neighborhood-scale commercial" development on one corner of an important intersection within the neighborhood. Examples might include a barbershop or a mixed-use building with a small grocery store on the ground level and an office and/or apartment above. Or, it could be an area partially or completely surrounding and focused on a small open space area. Although neighborhood-scale commercial is scarce in modern times, the opportunity to walk five minutes to a corner store for a quart of milk and a newspaper presents residents with an alternative to driving or being driven everywhere for daily needs. Residential development in these areas generally consists of a mix of medium to high density single- and multi-family housing. The provision of higher density housing in a Neighborhood Center area allows for more "eyes on the street" to protect the activity center (street intersection or public space) it surrounds. If a neighborhood's character is more of a Neighborhood Urban pattern rather than a Neighborhood General pattern, a Neighborhood Center might consist of more commercial or mixed-use development. All NC areas are intended to be integral elements of planning neighborhoods.

Neighborhood Center is applied to ten areas, identified as Areas 19A-19J on the Land Use Policy Plan.

**Community Center:** Community Center (CC) is the classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas is typically higher intensity townhomes and multi-family housing. Community Center areas are where the most pedestrian activity occurs. All CC areas are intended to be integral elements of planning neighborhoods.

Community Center is applied to one area, identified as Area 20A on the Land Use Policy Plan.

q) by changing the Land Use Policy Plan graphic identified as Figure 3-1 to reflect the change in the boundaries of RLM Area 4G, RM Area 5E, RMH Area 6E, RMH Area 6F, and CMC Area 11H; the removal of CAE Area 12E; and the addition of RLM Area 4H, RM Area 5F, OS Areas 17A – 17E, NG Area 18A, NC Areas 19A – 19K, and CC Area 20A so as to correctly illustrate Amendment No. 2 (see attached Map 3-1).

r) by inserting the following text into Chapter 4, Section 4.31 on page 87:

Recommended Collector Street Network in the Brooklin Area. The area historically known as Brooklin in the southeast part of the subarea is experiencing rapid growth. A new collector street network is needed to serve this growing area. Three new collector streets are recommended: a new east-west street connecting Hamilton Church Road, Hobson Pike, and LaVergne-Couchville Pike; a new north-south street west of Hobson Pike connecting Hamilton Church Road and Pin Hook Road; and a new north-south street east of Hobson Pike connecting Hamilton Church Road and Pin Hook Road. These new streets are to be added to the Collector Street Plan. They are shown on Figure 4-3.

s) by inserting the attached Figure 4-3: New Collector Street Network for the Brooklin Area as page 87a.

t) by changing the heading of “Appendix: Historic Properties in Subarea 13” to read “Appendix A: Historic Properties in Subarea 13”

u) by inserting the following text as Appendix B:

**APPENDIX B: DETAILED DESCRIPTIONS OF OPEN SPACE, NEIGHBORHOOD GENERAL, NEIGHBORHOOD CENTER, AND COMMUNITY CENTER POLICIES”**

**OPEN SPACE**

**General Characteristics and Intent**

1. Open Space is a very general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation OS\* indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.
2. Types of uses intended within OS and OS\* areas range from active and passive recreational areas, reserves, land trusts and other open spaces; to civic uses; and public benefit activities deemed by the community to be "open space." OS and OS\* areas can range from very large sites encompassing thousands of acres to very small sites that are a fraction of an acre. Very large OS and OS\* areas are elements of the community's structural framework, while smaller OS and OS\* areas are integral elements of planning neighborhoods. Generally, large OS and OS\* areas are intended to be low intensity and limited to accessory buildings commonly associated with the principal activity. Smaller "open space" areas, especially those with such uses as schools and recreation centers, may be fairly intensely developed.

**2. Application**

3. The Open Space classification is intended to apply to existing open space areas that are to be conserved and to areas that are planned to be open space areas in the future.

**3. Appropriate Land Uses**

4. Appropriate uses include small green spaces; playground and playfield parks; greenways and trails; natural reserves; most civic activities, such as schools and libraries; cemeteries; major public benefit uses that are "open" in character, and other unique open space activities such as privately held land trusts.

#### **4. Design Principles**

1. Ideally, Open Space areas are connected to each other to form a regional network or open space system.
2. Open Space areas may occur within and/or near the edge of a neighborhood. Examples include a green with a playground at a Neighborhood Center area, a square with a branch library in a Community Center area, or a school in a park along the edge of a Neighborhood General area.
3. Generous setbacks, landscaping and buffering should be provided along the perimeter of "open space" areas to minimize the impacts buildings and actively used outdoor recreation areas have on the surrounding area.
4. Open space activities that serve more than one neighborhood should be located at the edge of a neighborhood and their principal access should be directly to a connector or higher order street.
5. Civic activities are encouraged at very prominent, highly visible locations.

### **NEIGHBORHOOD GENERAL**

#### **1. General Characteristics and Intent**

1. Neighborhood General is a classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located. For example, medium density housing, such as townhouses, might be situated at the edge of the NG area between busy mixed-use buildings in a Community Center area and lower density housing in the Neighborhood General area. Townhouses might also be located on busy streets that connect a Neighborhood Center area to a Community Center area to provide transition from a busy street to lower intensity housing within the neighborhood. Regardless of location, the right mix of density is the key to the success of a NG area. Too much of one type of residential development could be detrimental to the neighborhood. Civic and public benefit activities are also characteristic of NG areas. Transitional offices are another use occasionally found along the edges of NG areas next to an intense center or incompatible district. Older, established NG areas may also contain isolated pockets or spots of nonconforming nonresidential development. All NG areas are intended to be integral elements of planning neighborhoods.

#### **2. Application**

2. NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and to emerging and future areas that are planned to be predominantly residential.

#### **3. Appropriate Land Uses**

3. Generally appropriate activities in 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. Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Land Use Policy Plan or a detailed neighborhood design plan are appropriate and to the extent possible, should be integrated into the overall open space system. Transitional offices and continuation of nonconforming activities are appropriate only at locations specified on a detailed neighborhood design plan or, in the absence of a design plan, a special policy. Activities other than those already described are not appropriate in NG areas. Nor are existing nonconforming uses that cannot be adequately buffered from surrounding development.

#### **4. Design Principles**

A random development pattern is inappropriate in NG areas. The specific arrangement and interrelationship of activities by type intended within NG areas should be carefully articulated in detailed design plans prepared for these areas. General design principles are as follows.

1. Building setbacks (the distance of a building from a property line) range from shallow to deep.
  2. Typically, medium density housing is closer to the street and lower density housing is set back further from the street.
  3. These areas contain both alley-loaded and front-loaded buildings with attached and detached garages.
  4. Ideally, residents in NG areas are within a 5 to 10 minute walk of a Neighborhood Center area or Community Center area.
  5. Civic activities are encouraged at very prominent, highly visible locations.
  6. Development along the interface of adjoining policy areas should be designed to provide a smooth, seamless transition from one area to the other.
- a. It is important that the street network have a high level of connectivity.

### **NEIGHBORHOOD CENTER**

#### **1. General Characteristics and Intent**

1. Neighborhood Center is the classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. A NC area may consist of no more than a single-use or mixed-use "neighborhood-scale commercial" development on one corner of an important intersection within the neighborhood. Examples might include a barbershop or a mixed-use building with a small grocery store on the ground level and an office and/or apartment above. Or, it could be an area partially or completely surrounding and focused on a small open space area. Although neighborhood-scale commercial is scarce in modern times, the opportunity to walk five minutes to a corner store for a quart of milk and a newspaper presents residents with an alternative to driving or being driven everywhere for daily needs. Residential development in these areas generally consists of a mix of medium to high density single- and multi-family housing. The provision of higher density housing in a Neighborhood Center area allows for more "eyes on the street" to protect the activity center (street intersection or public space) it surrounds. If a neighborhood's character is more of a

Neighborhood Urban pattern rather than a Neighborhood General pattern, a Neighborhood Center might consist of more commercial or mixed-use development. All NC areas are intended to be integral elements of planning neighborhoods.

## **2. Application**

Neighborhood Center is intended to apply to established areas that function, and are envisioned to continue functioning, as small mixed centers of activity for the neighborhoods they serve. NC is also intended for emerging and undeveloped areas that are planned to be future centers serving the neighborhood in which they are located.

## **3. Appropriate Land Uses**

2. Generally appropriate activities in NC areas include single- and multi-family residential, public benefit activities and small scale office and commercial uses. Also conditionally appropriate as secondary uses subject to strict regulation, are small-scale non-nuisance type crafts and other "cottage" industrial uses. Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Land Use Policy Plan or a detailed neighborhood design plan are appropriate and to the extent possible, should be integrated into the overall open space system. Activities other than those already described, are not appropriate in NC areas and those that already exist are nonconforming.

## **4. Design Principles**

3. A random development pattern is inappropriate in NC areas. The specific arrangement and interrelationship of activities by type intended within NC areas should be carefully articulated in detailed design plans prepared for these areas. General design principles are as follows.
4. Neighborhood centers do not always occur at the geographic center of the neighborhood. NC areas located at the edge of a neighborhood may actually serve two neighborhoods.
5. Development along interfaces with adjoining areas should be designed to provide a smooth, seamless transition from one area to the other.
6. Building setbacks in these areas are shallow or non-existent. Again, the closer the buildings are to the street, in these areas, the more eyes there are for a neighborhood watch.
7. In these areas, buildings are primarily alley-loaded with parking located to the rear or side of a building, not in front of it (except for on-street parking).
8. Neighborhood Center areas may be located at street intersections or centered on a public space and/or a community building. A single neighborhood may have multiple Neighborhood Center areas.
9. Civic activities are encouraged at very prominent, highly visible locations.

## **COMMUNITY CENTER**

### **1. General Characteristics and Intent**

10. Community Center (CC) is the classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major

thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas is typically higher intensity townhomes and multi-family housing. Community Center areas are where the most pedestrian activity occurs. All CC areas are intended to be integral elements of planning neighborhoods.

## **2. Application**

11. Community Center is intended to apply to established areas that function, and are envisioned to continue functioning, as mixed centers of activity for the neighborhoods they serve. CC is also intended for emerging and undeveloped areas that are planned to be future centers serving multiple neighborhoods.

## **3. Appropriate Land Uses**

12. Appropriate uses within CC areas include single-family and multifamily residential, offices, commercial retail and services, and public benefit uses. Also conditionally appropriate, subject to strict regulation, are small-scale non-nuisance type crafts and other "cottage" industrial uses. Small open spaces (parks, greens, squares, plazas) that are not designated as such on the Land Use Policy Plan or a detailed neighborhood design plan are appropriate and, to the extent possible, should be integrated into the overall open space system. Industrial activities listed as generally appropriate in IN areas are not appropriate in CC areas and are nonconforming where they already exist.

## **4. Design Principles**

CC areas can contain a wide range of uses and development intensities and a random development pattern is inappropriate in these areas. The specific arrangement and interrelationship of activities by type intended within CC areas overall should be carefully articulated in detailed design plans prepared for these areas. General design principles are as follows.

1. Building setbacks (the distance of buildings from a property line) in CC areas are commonly shallow, or non-existent.
2. Sidewalks are essential and should be wide in these areas to ease pedestrian traffic. CC areas consist of primarily “alley-loaded” buildings, with off-street parking located to the rear and side of buildings, not in front of buildings.
3. Many CC areas are similar to the concept of a “Main Street” and benefit from being located along major transit and automobile routes.
4. Civic activities are encouraged at very prominent, highly visible locations.
5. Development along the interface with adjoining areas should be designed to provide a smooth, seamless transition from one area to the other.

“Main Streets” are locations within CC areas that are intended to be the focal point of diverse pedestrian-oriented activity and the most important “public” places in the community. The planning and development of areas envisioned to be “Main Streets” should be guided by the following design principles and guidelines.

1. Buildings lining Main Street are preferably mixed in use.
2. The front building facade is built to the back edge of the sidewalk so that it engages the public realm. The only exception to this rule might be the additional setback accommodating a dining courtyard or a sidewalk display. These exceptions may be regulated by requiring them to be located to the sides of a building or by requiring that at least a portion of the building façade be built to the sidewalk.
3. Retail use is located at street level where it is most accessible to the majority of Main Street's users.
4. Increased window area at street level, or storefronts, enhances the display of goods available to the user.
5. The ground floor in a mixed-use building is greater in height than floors above to accommodate the necessary systems that accompany commercial construction, as well as defining a base to the building that distinguishes it from the floors above.
6. The overall height of the building, or number of stories, is dependent upon the scale of the community it serves. Buildings along secondary Main Streets (e.g. within a small town) may be no more than two to three stories tall. Primary Main Streets (e.g. within the central business district of a city) may be lined with high-rise structures.
7. Residential uses on the upper floors are encouraged and can provide housing needs to three interchangeable lifestyles: less mobile individuals that are within a short distance of public transit and/or their daily needs AND individuals who prefer to live near the vitality of Main Street that is provided by its mix of uses AND individuals who do not desire the maintenance that accompanies the typical single-family detached house.
8. Office uses on the upper floors are encouraged and can provide opportunities to work in close proximity to where one lives.
9. Entirely residential buildings are higher in intensity and provide much of the vitality of a Main Street during its off peak hours. Higher intensity residential use serves the same preferred lifestyles for residential in mixed-use buildings, with the exception that residents of entirely residential structures are still within a short distance of their daily needs without being right above the action.
10. Residential buildings may be set back slightly in an effort to provide some distinction between the public realm of the sidewalk and the private realm of the residence. Within this setback, porches or stoops are encouraged because they foster the interaction between residents and the public realm. For this same reason, it is encouraged that the entrance to ground floor residential be located off of the sidewalk.
11. Ground floor residential must be raised, with appropriate and thoughtful consideration for accessibility, to reinforce the distinction between the public and private realm.
12. As in mixed-use buildings, the overall building height is dependent upon the scale of the community it serves.
13. Main Street must be walkable. Sidewalks are generally wider than sidewalks on interior streets.
14. In lieu of a planting strip, street trees are located in tree wells at the front edge of the sidewalk.



15. Street furniture (benches, waste baskets, etc.) is encouraged.
16. Transit shelters are encouraged.
17. On street parallel parking and diagonal parking offsets parking needs and creates a buffer between the street and the pedestrian.
18. Pedestrian-scaled street lighting is encouraged.
19. Crosswalks should be raised or clearly marked to distinguish the pedestrian zone from the vehicular zone.
20. Central public gathering spaces should interrupt or attach to Main Street at its heart.
21. Civic buildings should be allowed the freedom to act differently within the streetscape in an effort to distinguish them from other buildings.
  - a. Signage along Main Streets should be pedestrian-scaled. Signage may be located on the building façade, attached to the façade but overhanging the sidewalk, or may be part of an awning above the ground floor windows.

v) by inserting the following text as Appendix C:

**APPENDIX C: LAND USE POLICIES FOR AREAS WITHOUT DETAILED NEIGHBORHOOD DESIGN PLANS**

Detailed Neighborhood Design Plans are intended to be the primary guide for land use. However, land use policies and guidelines associated with the Land Use Policy Plan are necessary for areas without Detailed Neighborhood Design Plans. The standard policies for guiding physical development in the portions of the community for which a Detailed Neighborhood Design Plan has not been adopted are as follows.

**Standard Policy 1.** Re: Conserving Established Character. Except as otherwise expressly provided by the other standard and special policies, unless a Detailed Neighborhood Design Plan is completed for an area, the overall established character of developed areas or areas designated to remain rural should be conserved and protected and only those changes in land use regulations that foster that conservation are appropriate.

**Standard Policy 2.** Re: Nonconforming Development. Proposals should be considered on their merits that involve sites in which: (1) the currently applicable land use regulations allow development that is not in conformance with the Land Use Policy Plan and (2) the proposed change would apply regulations that would move toward conformance with respect to both the types and intensity of development intended in that Land Use Policy Plan area. Expansion of nonconforming development and regulatory changes that increase the degree of nonconformity on existing sites with nonconforming uses are inappropriate.

**Standard Policy 3.** Re: Applying Overlay Districts Over Existing Base Zones. Proposals involving the application of regulatory overlay districts, such as Planned Unit Development, Historic, Conservation, Landmark, Green Space Preservation, and Urban Design overlays, should be considered on their merits and be guided by the intent for the applicable Land Use Policy Plan area.

**Standard Policy 4.** Re: Sensitivity Toward Historic Areas. All proposals located in a historic district should promote preservation and/or infill development on vacant lots that is compatible

with the character of the area.

**Standard Policy 5.** Re: Preserving Existing Structures. To the greatest extent practical, all structures, but especially historically significant ones, that must be moved to make way for a proposed development should be moved to an appropriate new location rather than be demolished.

**Standard Policy 6.** Re: Land Use Compatibility and Design. All development should be designed and arranged so as to maximize compatibility with adjoining land uses. To foster such design, the development should reflect the design principles for its Land Use Policy Plan category.

**Standard Policy 7.** Re: Proposals in OS and OS\* Areas. In areas designated Open Space on the Land Use Policy Plan, proposals should be limited to recreational or other civic activities that provide services oriented to the needs of the neighborhood and community. Sites designated Open Space and Potential Open Space that are not under public ownership or control, such as land trusts or potential “pocket parks,” are areas envisioned to be open in character. Proposals involving such sites should be guided by the following:

1. Public acquisition or control of sites intended to be public open space should be actively pursued.
2. If available, the proposed land use regulation is an optional Traditional Neighborhood Development (TND) type of regulation that is designed to implement the intent of the policy area associated with the proposed development. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which, ideally, there is no authority to grant a variance to. If TND regulations are not available, the proposal should be guided as follows.

**Current zoning should be maintained on such sites that are currently zoned for development that is in keeping with the surrounding Land Use Policy Plan areas.**

Sites that are currently zoned for uses not consistent with the intent for the surrounding Land Use Policy Plan area should be considered for rezoning to a conforming district.

Proposals that would result in a change in the Open Space vision should be accompanied by consideration of an amendment to the Land Use Policy Plan.

1. No special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

**Standard Policy 8.** RE: Proposals In NG Areas. In areas designated Neighborhood General, proposals for single family residential development, civic activities and **low-rise** public benefit uses may be considered on their merits. All proposals for residential development other than that cited above should meet all of the following criteria to be considered on their merits.

If available, the proposed development regulation is an optional TND (traditional neighborhood development) type of regulation that is limited to 3 stories maximum. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which, ideally, there is no authority to grant a variance to. If TND regulations are not available, the proposal should be guided as follows.

1. The proposal is at a location at which the type of development being sought is supported by a Special Policy.
2. The proposal is a combination of any conventional residential zoning district that yields no more than 20 units/acre and a Planned Unit Development overlay district, to assure appropriate design and that the type of development conforms with the intent for NG areas and the location in question.
3. No other Special Policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

**Standard Policy 9.** Re: Proposals in NC Areas. In areas designated Neighborhood Center, proposals involving civic activities and single family detached residential may be considered on

their merits. Due to the importance of design in the development of neighborhood centers, any development proposals other than single family detached and civic uses should meet all of the following criteria to be considered on their merits.

1. Either an Urban Design overlay (UDO) or a Planned Unit Development overlay (PUD) applies to the site or the proposal includes the application of a UDO to the site.
2. If available, the proposed land use regulation is an optional TND type of regulation that conforms with the intent of the UDO or PUD. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which ideally there is no authority to grant a variance to. If TND regulations are not available, the proposal is for the conventional zoning district(s) that conforms as closely as possible with the intent of the UDO or PUD. Districts that would be acceptable within an NC area are: MUN, MUL, CN, RM4, RM6, RM9, RM15, RM20, R6, RS3.75, ON, SCN.
3. The proposal conforms with the design principles for NC areas.
4. No special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

**Standard Policy 10. RE: Proposals In CC Areas.** In areas designated Community Center (CC), on the Land Use Policy Plan, proposals for civic activities and **low-rise** public benefit uses may be considered on their merits. Residential, mixed use and nonresidential development proposals other than civic and public benefit should meet all of the following criteria to be considered on their merits.

1. If available, the proposed land use regulation is an optional TND type of regulation that allows **low rise** mixed residential or mixed use development. The TND regulations should include provisions that govern the building typologies and styles permitted, setbacks, building orientation, and parking, all of which, ideally, there is no authority to grant a variance to. If TND regulations are not available, the proposal includes:
  - ◆ one of the following conventional zoning districts: RS5, RS3.75, R6, RM9-RM20, ON, OR20, or MUN at any location, or RM40 or MUL only if the site fronts on an arterial street with 4 or more lanes, and
  - ◆ an accompanying Urban Design or Planned Unit Development overlay district, as appropriate, to assure design objectives and that the type of development conforms with the intent for CC areas and the location in question.
2. No Special Policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

## PRELIMINARY PLAT SUBDIVISIONS

### 29. 2002S-270G-03

Shieldsworth Estates

Map 48, Parcels 242, 294 and Part of Parcel 215

Subarea 3 (1998)

District 1 (Gilmore)

A request for preliminary approval for eight lots abutting the north margin of Stevens Lane, approximately 1,500 feet west of Homeland Drive, (9.12 acres), classified within the R40 district, requested by Katharine Shields, owner/developer, Dale & Associates, surveyor.

Mr. Mitchell stated staff recommends approval with conditions subject to a variance for lot width to depth ration (4:1 Rule) and a revised plat prior to recordation.

Project No.        Subdivision 2002S-270G-03

**Project Name**    **Shieldsworth Estates Subdivision**

**Associated Cases**        None

**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions subject to a variance for lot width to depth ration (4:1 Rule) and a revised plat prior to recordation.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 9.12 acres into an 8-lot Cluster Lot subdivision, at a proposed density of 0.87 dwellings units per acre.

**ZONING**      **RS40 district, requiring a minimum lot size of 40,000 square feet.**

**CLUSTER LOT OPTION**      The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS40 (minimum 40,000 sq. ft. lots) to RS20 (minimum 20,000 sq. ft. lots). Although allowed to reduce minimum lot size two base zone districts, the applicant has chosen to use the RS20 district as the alternative lot size for bulk standard compliance since proposed lots range from 20,002 sq. ft. to 33,915 sq. ft.

Applicant has justified utilizing the cluster lot option because of the steep hillside topography associated with this site; in addition to asserting that 48% of the site will be preserved as natural vegetation or open space – and providing for an 8.3-acre pocket park across the street from all lots. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. Applicant successfully complies with, and exceeds, this requirement by proposing a total of 4.41 acres (48%) of open space.

**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 perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard “C” landscape buffer yard. The proposed plat shows a standard “C” landscape buffer yard, 20 feet deep, behind all proposed lots.

**SUBAREA 3 POLICY**

This subdivision falls within the Subarea 3 Policy’s Residential Low (RL) policy and a portion of the Natural Conservation (NC) policy, which support very low-density residential development within a density range of less than two units per acre. In addition, the NC policy specifically supports the clustering of development on the less physically constrained portions of a development site. In this case, the cluster lot option is preferred in lieu of the 40,000 sq.ft. lots that may create a greater impact on the existing hillside than proposed. The applicant is proposing a unit density of 0.87 per acre.

**SUBDIVISION DETAILS**

**Critical Lots**

**Hillside Development**      The applicant has designated five lots as critical on the preliminary plan. Pursuant to the Metro Subdivision Regulations, prior to application for a building permit on a lot designated as “critical”, a plan shall be submitted to the Planning Commission staff for approval. No clearing or grading may take place prior to approval of the critical lot plan and issuance of a building permit. Regarding hillside development, a lot is designated as critical when an up slope is greater than 15% or a down or cross slope is greater than 20%.

This particular subdivision proposes one lot, lot seven, with a down slope of 18% and lots two, four, five, and six with cross slopes ranging from 20% to 27%.

**Plan Details** The plan provides for one point of access to the subdivision off of Stevens Lane. This roadway terminates in a temporary cul-de-sac adjacent to lot eight, in the northeast corner of the site. Staff has requested that the applicant provide a temporary dead-end to allow future development on parcels 241 or 193 to provide street connectivity to this subdivision. In addition, sidewalks are proposed along both sides of the new roadway, Shieldsworth Lane, in accordance with current Public Works' standards.

**SUBDIVISION VARIANCES**  
**(Sec. 2-4.2, Lot Width)**

**4:1 Rule** Lots five and six of the proposed subdivision do not successfully meet the 4:1 lot width to depth ratio as required in the Metro Subdivision Regulations. The 4:1 rule requires that the proposed lot width, at the front yard line, not be less than 25% of the average lot depth. In this case, lot five requires a minimum front yard lot width of 65 feet and lot six requires a minimum front yard lot width of 59 feet. Lots five and six are proposed at 42 feet and 48 feet, respectively.

Based on existing topography and the applicant's desire to minimize impacts on the hillside, as well as the need to keep lot seven about 20,000 sq. ft., staff recommends approval of the variance.

**TRAFFIC ENGINEER'S FINDINGS** Approve

**CONDITIONS** Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to recordation:

Add the following note, "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."

Note #12 must be removed or revised to reflect the request for a subdivision variance for the 4:1 rule.

"Part of Parcel 215" must be added to the plat cover page.

For lots designated as critical, critical lot plans must be submitted to the Planning Commission for review and approval prior to application for a building permit.

Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Ms. Patricia Buckner, area resident, expressed concerns regarding the size of the homes to be built, the lot sizes and congestion.

Mr. Roy Dale, developer, spoke in favor of the proposal.

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

**Resolution No. 2002-366**

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-270G-03, is **APPROVED WITH CONDITIONS SUBJECT TO VARIANCE FOR LOTS FIVE AND SIX FOR THE 4:1 RULE (7-0)**.

**Staff recommends approval subject to the following conditions:**

- 1. A variance for lot width to depth ratio (4:1 Rule) for lots 5 & 6.**
- 2. For lots designated as critical, critical lot plans must be submitted to the Planning Department for review and approval prior to application for a building permit.**
3. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements."

**FINAL PLATS**

**30. 2002S-012U-07**  
B. F. COCKRILL ESTATES, Resubdivision  
of Lots 49 and 50  
Map 90-8, Parcels 123 and 124  
Subarea 7 (2000)  
District 22 (Hand)

A request for final approval to subdivide two lots into three lots and a sidewalk variance on James Avenue and Croley Drive, (.65 acres), classified within the R8 district, requested by Robert L. and Peggy T. McGowan, owners/developers, Kenneth W. Morton, surveyor.

Mr. Hardison stated staff recommends approval of the proposal and the sidewalk variance.

Project No. Subdivision 2002S-012U-07  
**Project Name** B.F. Cockrill Estates, Resubdivision of Lots 49 & 50  
**Associated Cases** None  
**Staff Reviewer** Hardison

**Staff Recommendation** *Approve with conditions subject to a variance for sidewalks along James Avenue and Croley Drive.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 2 lots with 0.65 acres into three (3) lots.

**ZONING**      **R8 district requiring a minimum lot size of 8,000 square feet.**

**SUBDIVISION VARIANCES**

**Sidewalks**

(Section 2-6.1) A sidewalk is required along the frontages of all 3 lots on James Avenue and Croley Drive. Currently there are no sidewalks along either James Avenue or Croley Drive. The applicant has requested a variance due to absences of sidewalks in this area and the amount of roadwork that would be required by Public Works standards to construct sidewalks in this location. Sidewalks are required along both streets since these proposed lots will have frontage on both streets.

**Metro Public Works Findings** James Avenue and Croley Drive at this location have 20 ft of pavement and 1 ft. of shoulder. There is a minimal drainage ditch along the roadways. The relocation of several NES poles will be required along with the removal of 5 mature trees. Construction of sidewalks to Public Works standards will require widening James Avenue by 17 feet (James Avenue is identified as a residential collector street) and Croley Street by 3 feet (Croley Street is identified as a residential local road) to meet the minimum Metro Standard ST-251. Curb and gutter is also required along with drainage improvements.

**Recommendation** Approve. Two sections of sidewalk between 150 feet and 200 feet in length will require major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk, which is inconsistent with good planning and design

**TRAFFIC ENGINEER'S FINDINGS** Approve

**CONDITIONS** Staff recommends conditional approval subject to a variance for sidewalks along James Avenue and Croley Street.

Mr. Robert McGowan, property owner, spoke in favor of the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to approve the following resolution:

**Resolution No. 2002-367**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-012U-07, is **APPROVED WITH CONDITIONS (7-0).**”

**ADJOURNMENT**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:55 p.m.

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Chairman

\_\_\_\_\_  
Secretary

Minute approval this 24<sup>th</sup> day of October, 2002



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