



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

October 23, 2003

PLANNING COMMISSION:

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

Staff Present:

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

Commission Members Absent:

Jim McLean
Judy Cummings

I. CALL TO ORDER

The meeting was called to order at 4:02

II. ADOPTION OF AGENDA

Ms. Hammond announced that the agenda had an addendum and the following corrections:

Add as an item under Other Business: Request to Invoke Commission Rule Allowing Notification of Cancellation of Portion of an Existing PUD to Less Than Entire Area of the PUD.

Item #14 – 2003S-242U-10 Sneed Property should be “request for preliminary plat approval”.

Item #8 – Change the Metro Code section referred to, from 17.24.030(E) to 17.24.050(E).

Mr. Sweat moved, and Mr. Small seconded the motion, which passed unanimously, to approve the adoption of the agenda as amended and corrected. **(8-0)**

III. APPROVAL OF OCTOBER 9, 2003 MINUTES

Mr. Tyler moved, and Mr. Sweat seconded the motion, which passed unanimously to approve the minutes of October 9, 2003 with the following corrections:

1. Councilman Summers was present at the meeting, and
2. Adriane Bond is now Adriane Harris, Planner I

Approved (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Williams stated that she concurred with staff recommendation in disapproving Item #5 – 2003S-222U-10; was against staff recommendation of approving Item #14 – 2003S-242U-10 due to changing policy included in the General Plan and she expressed concerns regarding Item #9 – 2003Z-128U-10. She did state that regarding Item #9, the developer has been working with the community on this proposal.

V. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

6. 2003M-093U-12 Abandon Right-of-Way at End of Trousdale – Deferred to November 13, 2003
7. 2003M-109U-03 Close Portion of Unnumbered Alley between North Avondale Circle and Alley – deferred to December 11, 2003
8. 2003Z-013T Council Bill No. BL2003-25 – Deferred indefinitely
20. 2003M-114U-10 Awning Encroachment at 1517, 1519, and 1521 Dallas Ave. - Approve w/ conditions – deferred to November 13, 2003

Ms. Nielson moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. **(8-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

PRELIMINARY SUBDIVISION PLATS

12. 2003S-268G-06 Parkview at Riverwalk, east of Hwy. 70 South, north of CSX R.R. - Approve w/conditions

FINAL PLATS

15. 2003S-262G-02 Quail Ridge, Section 6, 1st Revision, NE terminus of Setter Ct. -Approve w/ conditions

PLANNED UNIT DEVELOPMENTS (revisions)

16. 98P-001G-14 Alta Lake, north side of Bell Rd. -Approve w/ conditions
17. 2000P-003G-06 Riverwalk, Phase 3A and 3B, north of Newsome Station Rd. - Approve w/ conditions
18. 2001UD-001U-01 Lenox Village, Phase 1 - Approve

MANDATORY REFERRALS

19. 2003M-113U-08 Rename Portion of 37th Avenue North to Elizabeth Jordan St. - Approve
21. 2003M-115G-04 Close Portion of Lawrence Avenue - Approve

Ms. Nielson moved, and Mr. Sweat seconded the motion, which passed unanimously to approve the Consent Agenda with the removal of Item #15, due to a request from the audience to have this item presented, and the correction of Item #21, the completion of an unfinished sentence within the description. **(8-0)**

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

Mr. Kleinfelter requested that the Commission review the addendum to the agenda out of order. The request to invoke Commission rule allowing notification of cancellation of portion of an existing put to less than entire area of the PUD.

Mr. Kleinfelter explained that the Planning Department received an application from the MDHA to cancel the Planned Unit Development that applies to the Sam Levy Homes public housing. He explained that the rules of the

Planning Commission ordinarily require that an application to cancel a portion of a PUD must either obtain the signatures of all property owners within the PUD, or supply an affidavit stating that all property owners within the PUD have been notified of the cancellation.

Mr. Kleinfelter stated that in order to avoid undue expense and/or delay, MDHA has requested that the Commission invoke the following provision – to specify a less extensive area of notification when the amendment or cancellation is determined by the Commission to have impact on an area smaller than the entire PUD.

Ms. Nielson moved, and Mr. Small seconded the motion, which passed unanimously to approve the invocation Commission Rule regarding notification of cancellation of portion of an existing PUD to less than entire area of a PUD. (8-0)

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON REHEARING

ZONING MAP AMENDMENTS

- 1. 2003Z-051G-06**
Council Bill No. BL2003-28
Map 169, Parcel 55
Subarea 6 (2003)
District 35 (Tygard)

A council bill to change from CL district to CS district property at Highway 100 (unnumbered), abutting the southern margin of Highway 100, (0.51 acres), requested by D. E. Ryan, owner. (Deferred from meeting of September 25, 2003).

Staff Recommendation - Disapprove

APPLICANT REQUEST

Rezone 0.51 acres from commercial-limited (CL) to commercial services (CS) at Highway 100 (unnumbered), east of the Natchez Trace Parkway.

Existing Zoning

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

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

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

Policy Conflict - Yes. The proposed CS district is not consistent with the intent of the Bellevue Community Plan's NC policy calling for neighborhood scaled commercial uses. The CS district is more intense than what is called for at this interchange. CS zoning allows for more intense commercial uses than what the plan calls for, and it does not permit residential uses, which would help to implement the Subarea Plan. Although the property is currently zoned CL district, the MUN district is the most appropriate district to implement this policy.

Deferral - This item was deferred at the September 25, 2003, Planning Commission meeting in order to allow staff to research whether the applicant's proposed use (building contractor supply) would be permitted under the CS district. The Zoning Administrator has indicated that the Building Contractor Supply use would be allowed as a PC use in the CS district. No outdoor storage of vehicles or equipment, however, would be permitted.

RECENT REZONINGS - No. However, this property was rezoned from CS to CL with the overall zoning update on January 1, 1998. The councilmember at the time supported this change.

TRAFFIC - Based on typical uses in the CS zoning, approximately 561 trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Findings - No exception taken.

Mr. Kleinfelter presented and stated that staff is recommending disapproval.

Mr. D.E. Ryan, property owner, spoke in favor of this proposal. He stated that up until 1998, this property was zoned CS and in 1998, there was a county wide rezoning completed and many of the property owners were not notified of the rezoning.

Mr. John Rumble, 712 Burleigh Ct., President of the Bellevue Area citizens for Planned Growth, spoke against the proposal due to the precedence that would be set in the area.

Councilmember Tygard spoke in favor of the zone change. He stated that he attended a community meeting where discussions included deed restrictions that would be adhered to by Mr. Ryan if the CS zoning were to be granted.

Councilmember Tygard expressed that Mr. Ryan is an outstanding member of the community and asked that the Commission consider this proposal.

Ms. Nielson expressed concerns regarding the proposal and the direction of policy guidelines.

Mr. Clifton asked for clarification on the proposed resolution to be presented to Council regarding text change amendments for CS zoning.

Mr. Tyler asked for clarification regarding the codes and the housing of equipment.

Mr. Sweat thanked Councilman Tygard for his efforts and stated that he feels that there have been enough safeguards and conditions imposed on the project and is willing to support the change.

Mr. Small stated that the zone change was not appropriate due to the expansion of uses at this node.

Ms. Jones expressed concerns regarding the future sub area plans for this area and the anticipated walkable neighborhood enhancements and whether this proposal would benefit the area.

Councilmember Loring also thanked Councilmember Tygard for his efforts and spoke in favor of the proposal. He expressed a concern regarding the non-notification to property owners when the rezoning took place, and also stated that Mr. Ryan is an outstanding citizen of the Community.

Chairman Lawson expressed concerns regarding altering policy based on the individual requests.

Mr. Small moved and Ms. Nielson seconded the motion to disapprove zone change #2003-051U-06. Approved (6-0) No votes – Mr. Sweat and Councilman Loring

Resolution No. 2003 –363

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-051G-06 is **DISAPPROVED. (6-0)**

The proposed CS district is not consistent with the intent of the Bellevue Community Plan’s Neighborhood Center (NC) policy calling for neighborhood scaled commercial uses. The CS district is more intense than what is called for at this interchange. CS zoning allows for more intense commercial uses than what the plan calls for, and it does not permit residential uses, which would help to implement the Subarea Plan.”

2. **2003Z-112G-06**
 Council Bill No. BL2003-29
 Map 155, Parcel 273
 Subarea 6 (2003)
 District 35 (Tygard)

A council bill to change from RS40 district to CL district four parcels located at 8121, 8141 and 8175 Highway 100, and Highway 100 unnumbered, (10.42 acres), requested by Yuri Hawley, appellant, for Kroger Limited Partnership I, Trace Creek Shops, LLC., and Trace Creek Commons, owners. (See PUD Proposal No. 97P-019G-06 below). (Deferred from meeting of September 25, 2003).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 10.42 acres from residential (RS40) to commercial limited (CL) at 8121, 8141, and 8175 Highway 100, and Highway 100 (unnumbered), south of Harding Pike.

Existing Zoning

RS40/Commercial PUD - Residential Single-Family (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of 0.93 dwelling units per acre. The Planning Commission and Council approved the existing Commercial PUD in 1997.

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods.

Policy Conflict - No. The proposed CL district is consistent with the intent of the Bellevue Community Plan’s CC policy calling for commercial uses at the edge of a neighborhood. The Planning Commission adopted the CC policy on August 14, 2003 as part of a year-long Subarea Plan update. Although the zoning is appropriate for this area, the PUD amendment to change from a bank use to fuel pumps is inappropriate since the original PUD concept limited the uses to bank, restaurant, and retail uses.

RECENT REZONINGS - Yes. The adjacent property (parcel 123) was rezoned to CL earlier this year. The Commission recommended approval of the rezoning finding it consistent with the surrounding uses and the proposed Subarea Plan amendment.

TRAFFIC - Based on the existing and proposed uses within the PUD, the following number of trips per day could be generated:

	<u>AM Peak</u>	<u>PM Peak</u>
Grocery Store	179 trips	633 trips
Retail	19 trips	70 trips
Bank	109 trips	214 trips
Fuel Station	49 trips	58 trips

(Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Findings - No exception taken.

[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-112G-06, and PUD Proposal 97P-019G-06 were heard on Public Hearing and discussed by the Commission together.]

3. **97P-019G-06**
 Council Bill No. BL2003-30
 Trace Creek Center
 Map 155, Parcels 124, 273, 274 and 276
 Subarea 6 (2003)
 District 35 (Tygard)

A council bill to amend the Commercial Planned Unit Development located abutting the south margin of Highway 100, opposite Collins Road, classified RS40 and proposed for CL, (10.42 acres), to permit the addition of a fuel pumping station to replace an undeveloped bank, requested by CEI Engineering for Kroger L.P.I., owner. (See Zone Change Proposal No. 2003Z-112G-06 above). (Deferred from meeting of September 25, 2003).

Staff Recommendation – *Disapprove*

APPLICANT REQUEST

Amend Preliminary PUD - This request is to amend the preliminary plan to allow an automobile fuel pumping station with four pumps and a kiosk on an outparcel of the existing Kroger store, replacing an unbuilt bank.

Existing Zoning

RS40/Commercial PUD -The property is currently zoned for a Commercial PUD with a 55,000 square foot grocery store, 18,700 square feet of retail and restaurant uses, and a 5,100 square foot bank.

PLAN DETAILS - The fuel pumps are proposed to replace the unbuilt bank on the outparcel. This property is located along Highway 100, which is designated as a Scenic Arterial (S4) on the Major Street Plan. The proposed plan includes the required 10-foot scenic landscape buffer, as required by the Zoning Code, and right-of-way reservation for the future alterations of Highway 100.

Staff recommends disapproval of the PUD amendment since the proposed fuel pumps are inconsistent with the intent of the original PUD plan, and are inconsistent with the development pattern being established by the new Community Center policy. The original PUD plan was approved as a neighborhood scale commercial center with retail, restaurant, and bank uses. The bank is more consistent with the character of this Community Center node than the proposed pumps. There is already one existing gas station at this node, while the buildings approved as part of the Walgreen’s PUD across the street will help to define this node as a town center.

TRAFFIC – Based on the existing and proposed uses within the PUD, the following number of trips per day could be generated:

	<u>AM Peak</u>	<u>PM Peak</u>
Grocery Store	179 trips	633 trips
Retail	19 trips	70 trips
Bank	109 trips	214 trips
Fuel Station	49 trips	58 trips

(Institute of Transportation Engineers, 6th Edition, 1996).
 Other uses at different densities could generate more or less traffic.

Public Works Finding - No exception taken.

CONDITIONS

(If the Commission recommends approval) - The Metropolitan Codes Department is also requiring several conditions since a gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows, subject to a corrected plan to be received prior to the Planning Commission meeting:

1. Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.

2. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
8. No customers shall be permitted in the kiosk.
9. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
10. A fire hydrant is required to be within 500 feet of all portions of the fuel station.

Mr. Kleinfelter presented and stated that staff recommends approval of the zone change but is requesting disapproval of the PUD.

Mr. Don Barnett, Kroger representative, spoke in favor of the proposed changes of the Fuel Pump Station – stated that it is a way of supplementing business for the Kroger stores.

Mr. Richard Jones, 109 Holiday Court, spoke in favor of the PUD request.

Councilmember Tygard spoke in favor of the PUD request. He stated that Kroger has been in contact with the community that surrounds this area and received positive feedback regarding the proposal.

Mr. Kevin Estes, 7348 Olmstead, spoke in favor of the PUD request due to a need for a gas station in the area.

Councilmember Loring thanked Councilman Tygard for his work. He stated that the neighborhood would not be impacted by this change and he was in favor of the proposed PUD.

Ms. Jones asked Councilmember Tygard to report on the polling that took place at the community meeting regarding this PUD.

Councilmember Tygard stated that there were over 60 people in attendance at the meeting and said that it was about 3 to 1 on the proposal. He stated that he will present the petitions for record at the Council level.

Ms. Jones expressed concerns regarding the timing of the PUD and stated that this is a very active community.

Mr. Small expressed concerns regarding the "needs" of the community versus the aesthetics of the area will be considered in his decision. He did state there are not a lot of fuel pump stations in the area and this would be convenient for the community.

Ms. Nielson stated that the PUD could be considered an appropriate use for this area.

Mr. Clifton spoke in favor of the PUD because of the usefulness of the fuel pump station.

Mr. Sweat spoke in favor of the PUD because of the adequate conditions that have been placed on the proposal.

Chairman Lawson expressed concerns regarding the exposure of a fuel pump station and the proximity near a school, and the added traffic that would be generated at this intersection.

Mr. Sweat moved, and Councilman Loring seconded the motion, which passed unanimously, to approve Zone Change 2003Z-112G-06 as well as approve 97P-019G-06. **(8-0)**

Mr. Bernhardt stated the staff is going to continue to work with the developer to implement a landscape buffer for this proposal and will be included with the project when it is brought back for final approval.

Resolution No. 2003 –364

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-112G-06 was **APPROVED. (8-0)**

The proposed CL district is consistent with the intent of the Bellevue Community Plan’s Commercial Center (CC) policy calling for commercial uses at the edge of a neighborhood.”

Resolution No. 2003 –365

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 97P-019G-06 is **APPROVED WITH CONDITIONS (8-0) IN THE STAFF REPORT, with additional comment that staff will work with developer to provide larger buffer and additional landscaping along highway 100 where fuel station will be located to further protect the scenic designation of Highway 100.**

Conditions of Approval:

The Metropolitan Codes Department is also requiring several conditions since a gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows, subject to a corrected plan to be received prior to the Planning Commission meeting:

1. Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
2. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. “Travel distance” shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
8. No customers shall be permitted in the kiosk.
9. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.”

4. **2003Z-123U-03**
Map 69-16, Parcels 146
Subarea 3 (2003)
District 2 (Isabel)

A request to change from CN district to MUN district property at 3401 John Mallette Drive, along the north margin of Manchester Avenue, (.53 acres), requested by Henry Hill Jr., for Henry and Mary Hill, owners. (Rehearing per vote of Commission on October 9, 2003).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.53 acres from commercial neighborhood (CN) to mixed-use neighborhood (MUN) district property at 3401 John Mallette Drive, along the north margin of Manchester Avenue.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 3 PLAN POLICY

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

The Planning Commission adopted the updated Bordeaux-Whites Creek Community Plan (Subarea 3) on September 25, 2003. This RLM policy did not change from the old plan to the new plan.

Policy Conflict - Yes. Although the proposed zoning district (MUN) is not entirely consistent with the policy, it allows for residential uses and moves the zoning closer to conformance with the RLM policy. Prior to 1998, the property was zoned commercial service limited (CSL). With the 1998 overall zoning update for the county, this property was rezoned to CN, which is roughly equivalent to the CSL zoning district. The proposed zoning district would be more consistent with the policy than the existing zoning district, although it still does not support the Residential Low Medium policy.

RECENT REZONINGS - No

TRAFFIC - Based on the trip generation numbers for mixed use neighborhood (MUN), this proposal will generate approximately 22 to 153 daily trips ranging from residential and office uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.
Public Works' Recommendations

Current zoning CN, Peak Adj. Street Traffic (Code 495, Recreational Center)
AM trips = 8 PM trips = 10

Proposed zoning MUN, Peak Adj. Street Traffic (Code 565, Day Care)
AM trips = 69 PM trips = 72

Note: Either zone would qualify for a convenience market, which would produce:
AM trips = 415 PM trips = 478

We do not currently know what will be built at this location. The number of trips generated by this project could be significant depending on what is built at this location. Therefore, a TIS may be required once plans are submitted.

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

SCHOOLS 3_ Elementary 3_Middle 2_High

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

Ms. Harris stated that this item was inadvertently approved on the consent agenda at the October 9th meeting when there were two members of the audience that wanted to have the item presented. At that time, the Commission voted and approved to have this item removed from the consent agenda and that it would be reheard at tonight's meeting.

Mr. Small moved, and Mr. Clifton seconded the motion, which passed unanimously, to reaffirm the Commission's decision to approve Zone Change 2003Z-123U-03, which was on the consent agenda at the meeting of October 9th. **(8-0)**

Resolution No. 2003 –366

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-123U-03 is **APPROVED, AFFIRMING PRIOR APPROVAL. (8-0)**

The proposed MUN district allows for residential uses and moves the zoning closer to conformance with the Joelton Community Plan's Residential Low Medium (RLM) policy calling for residential development at two to four dwelling units per acre. This item was approved on the Consent Agenda on October 9, 2003, but since several members of the public were present to speak on this item the Commission voted to rehear this case at the October 23, 2003, meeting. The Commission reaffirmed its previous approval.”

PRELIMINARY SUBDIVISION PLATS

5. **2003S-222U-10**
Sunnybrook Lane Subdivision, (formerly
Sunny Court Subdivision)
Map 130-07, Parcels 97 and 98
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval for 4 lots abutting the east terminus of Iroquois Drive, approximately 300 feet north of Trimble Road, (2.14 acres), classified within the RS20 district, requested by Richard Bacon, owner, Dale & Associates, surveyor. (Deferred from meeting of October 9, 2003).

Staff Recommendation - *Disapprove.*

APPLICANT REQUEST

Preliminary Plat - Subdivide 2.14 acres into a 4-lot subdivision, located abutting the east terminus of Iroquois Drive, approximately 300 feet north of Trimble Road.

ZONING

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

PLAT DESIGN - Four lots are proposed to replace the existing two lots on Sunnybrook Drive. These four lots are situated around a new cul-de-sac proposed to be named Sunnybrook Lane.

Stormwater Variance/Open Space - A water quality biofilter swale is required in open space at the edge of lots 3 and 4. All water quality devices must be outside of lot lines and in an open space unless granted a variance by the Board of Stormwater Appeals. An easement is also required to allow access to the open space. A homeowner's association is also required in order to maintain the public open space.

The applicant has requested a variance from the Stormwater Appeals Board for the open space requirement. This appeal was heard on September 18, 2003, meeting and the variance was granted. Each lot will be flagged as a critical lot, if approved.

Sidewalks - Sidewalks are not required pursuant to the subdivision regulations because the lots are 20,000 square feet with no cluster lot option being considered.

Subarea 10 Policy - The proposed plan is inconsistent with the subarea plan. The Subarea 10 plan calls for potential sites for resubdivision to be consistent with what exists in the surrounding area.

“The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas. It is important to recognize that the potential for resubdivision does exist in parts of these areas, since the policy allows up to two dwelling units per acre. Much of the area is developed far below that threshold. However, the plan recommends that the prevailing character and densities of these areas be conserved. Any resubdivisions should result in densities close to what exists in the surrounding area.”

Staff recommends disapproval. Subdivision Regulation 2-1.1 states: “ In addition to the requirements established herein, divisions of land shall comply with all applicable laws, ordinances resolutions, rules or regulations, including, but not limited to the following:....C. The adapted General Plan and Major Street Plan.” This subdivision does not comply with the General Plan’s policy for this area. The density and the character of this development are not consistent with the surrounding character and density.

Public Works’ Recommendation - No exception taken.

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

Mr. Shawn Henry, Attorney for Tune, Entekin & White, supports this proposal due to the fact that the applicant meets the zoning requirements and meets the subdivision regulations imposed and should be granted the subdivision plat approval. He stated that is the legal process that is followed throughout the country in subdivision plat approval. Mr. Henry also requested that this plan be deferred until November 13 in order to have more time to meet with the community on this proposal.

Mr. Clay Bradley, 4410 Sunnybrook Drive, submitted a petition with 55 signatures representing 39 households who are against the proposal.

Mr. James Baxter, 4317 Esteswood Drive, opposing the subdivision plan because of its nonconformity of the area.

Mr. Robert Odear, 3901 Trimble Lane, spoke in favor of the proposed development – felt that the development would have a positive impact on the neighborhood.

Mr. Riney Green, 4316 Estes Road, Treasurer of the Greenhills Neighborhood Association, spoke against the proposal. He stated that the Association would like to keep this area a premier, high-quality residential area.

Mr. Kevin Estes, Engineer of the project, reiterated that the subdivision meets all the requirements imposed and asked that the proposal be approved.

A resident living at 4005 Iroquois Drive spoke in opposition of the project.

Mr. Clifton asked for clarification regarding the legal issues involved with the proposal.

Mr. Fox explained that the legal issue referred to in this case by Mr. Henry was a case in Connecticut and that the laws there are not applicable to the laws in Tennessee. He also stated that there is general law that should be followed in that the general plan should be read consistently with the zoning plan in any construction plans. Subdivision Regulation 2-1.1 specifically states that all applications should be in compliance of the sub area plan and the General Plan.

Mr. Clifton stated that the Commission can deny this claim but arbitrarily at another level can be pushed the other way.

Mr. Small asked for specifics regarding Iroquois Court and it's origin.

Mr. Bernhardt explained lot sizes of Iroquois and the proposed lot sizes of the proposed subdivision and how they relate to this proposal.

Mr. Small expressed concerns regarding the substantial case that has been made to maintain the area and how it relates to the General Plan.

Mr. Sweat moved, and Mr. Clifton seconded the motion, which passed unanimously, to disapprove Preliminary Subdivision Plat No. 2003S-222U-10. **(8-0)**

Resolution No. 2003 –367

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003S-222U-10 is DISAPPROVED. (8-0)”

The Commission recessed at 5:40 p.m.

Ms. Nielson left the meeting at 5:45 p.m.

The Commission resumed its meeting at 5:55 p.m.

MANDATORY REFERRALS

6. **2003M-093U-12**
Abandon Right-of-Way at End of Trousdale Drive
Map 160, Parcel 93
Subarea 12 (1997)
District 31 (Toler)

A request to abandon right-of-way for the unimproved northern portion of Trousdale Drive, located on the north margin of Hill Road, requested by Lyman H. Hines, property owner. (Deferred from meeting of September 25, 2003).

The Metropolitan Planning Commission deferred Mandatory Referral No. 2003M-093U-12 to the November 13, 2003, meeting at the applicant's request. (8-0)

7. **2003M-109U-03**
Close Portion of Unnumbered Alley between North Avondale Circle and Alley #1059
Map 71-02, Parcel 25
Subarea 3 (2003)
District 2 (Isabel)

A request to close Metropolitan Department of Public Works Un-numbered Alley, located between North Avondale Circle and Alley #1059, for the purposes of closing off the alley from illegal dumping and other illicit uses, requested by the adjacent property owners, Gene and Teresa George. (Deferred from meeting of October 23, 2003).

The Metropolitan Planning Commission deferred Mandatory Referral No. 2003M-109U-03 to the December 11, 2003, meeting at the applicant's request. (8-0)

VIII. PUBLIC HEARING: ZONING MAP AND TEXT AMENDMENTS

8. 2003Z-013T

Council Bill No. BL2003-25

A council bill amending Section 17.24.030 (E) of the Zoning Ordinance to change the landscaping requirements for loading areas, tractor trailer staging, and loading and parking areas, requested by Councilmember Greg Adkins.

The Metropolitan Planning Commission deferred Zone Change No. 2003Z-013T indefinitely at the request of the applicant. (8-0)

9. 2003Z-128U-10

Map 131-02, Parcels 1, 2 and 3

Subarea 10 (1994)

District 34 (Williams)

A request to change from R20 district to RM4 district properties at 2122, 2124 and 2200 Hobbs Road located on the north margin of Hobbs Road and the northern terminus of Stammer Place, (5.08 acres), requested by Edward C. Owens of Gresham-Smith and Partners on behalf of various property owners. (See PUD Proposal No. 2003P-013U-10 below).

Staff Recommendation - *Approve*

APPLICANT REQUEST

Rezone 5.08 acres from residential (R20) to residential multi-family (RM4) district property along the north margin of Hobbs Road (unnumbered), north of the Stammer Place northern terminus.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 10 PLAN POLICY

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

Policy Conflict - No. The proposed zoning is consistent with the RLM policy for the area. There is an associated planned unit development (PUD) that is also being requested for this site. The PUD proposes a 20-unit townhouse (condominium) project that is consistent with the character of residential development near this location on Hobbs Road.

RECENT REZONINGS

The current Baldwin Arbor subdivision, located approximately 500-feet to the west on Hobbs Road was re-zoned from R20 to RS10 in 1998. The Planning Commission recommended approval of that zoning.

TRAFFIC

Based on the trip generation numbers for RM4, this proposal will generate approximately 119 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Public Works' Recommendations - Request zone change from R20 to RM4

Current zoning R20, Peak Hour Adj. Street Traffic (Code 210)

AM trips = 9

PM trips = 12

Proposed zoning RM4, Peak Hour Adj. Street Traffic (Code 210)

AM trips = 16 PM trips = 21

“There is no significant rise in the number of trips being made; therefore, there is no exception taken to this zone change.”

[See below for public hearing and Commission discussion. Zone Change Proposal 2003Z-128U-10, and PUD Proposal 2003P-013U-10 were heard on Public Hearing and discussed by the Commission together.]

10. 2003P-013U-10

Village Hall
Map 131-02, Parcels 1, 2 and 3
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary approval for a Planned Unit Development located abutting the north margin of Hobbs Road, classified R20 and proposed for RM4, (5.08 acres), to permit the development of 20 multi-family units in ten buildings, requested by Gresham-Smith and Partners on behalf of various property owners. (See Zone Change Proposal No. 2003Z-128U-10 above.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD

Request to adopt a preliminary master Planned Unit Development to allow for the development of a 20-unit townhouse development on 5.08 acres. The property is located along the north side of Hobbs Road, across from the northern terminus of Stammer Place.

PLAN DETAILS

The applicant’s plan proposes an attached townhouse residential development on 5.08 acres - that lie just west of another multi-family development and south of the Green Hills YMCA. Hobbs Road is designated as a collector street on the adopted Major Street Plan.

The development calls for attached townhomes of 2 units per structure, where each unit will be provided with a rear-loaded garage. Except for the front 6 units fronting Hobbs Road, the remaining units will face open space areas or landscaped passive recreational areas. The vehicular network is provided through a private driveway system that provides access to each garage as well as providing scattered surface parking for residents and guests. The applicant is providing approximately 62% open space within this development.

Pedestrian Connection to YMCA Staff recommends that a pedestrian connection be provided between this development and the Green Hills YMCA. The pedestrian connection could be gated and allowed to be closed after sunset, or after the closing of the YMCA.

METRO PUBLIC WORKS’ RECOMMENDATION - Approve

CONDITIONS

1. A paved, lighted pedestrian connection shall be provided between the proposed development and the Green Hills YMCA to the north.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners’ signatures, to the Planning Commission staff for review.

3. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Mr. Mitchell presented and stated that staff is recommending approval of the rezoning and approval with conditions of the PUD overlay.

Mr. Jim Hastings, 101 The Commons Drive, spoke in opposition of the proposal and stated that the development would be out of character for the area.

Ms. Lynn Deal, 2202B Hobbs Road, spoke in opposition of the proposal because of its affect to her property value.

Mr. Ed Owens, Gresham Smith & Partners, stated that the units that are being proposed in the development will sale at \$375,000 to \$400,000 a unit and that property value would not be an issue. They are trying to provide adequate living for the seniors in the Green Hills area

Mr. Clifton stated that he understood the concerns of some of the residents in this area, but is in favor of the proposal.

Mr. Small asked for clarification on the condition of the lighted connected walkway to the YMCA and stated that it is an inappropriate condition placed on this development.

Ms. Jones spoke in favor of this project.

Councilmember Loring thanked Councilmember Williams for her efforts on this project and stated he is in favor of staff recommendation.

Chairman Lawson also expressed concerns regarding the lighted pedestrian connection condition that was implemented to this proposal. He recommends that this condition be removed.

Mr. Clifton moved, and Mr. Tyler seconded the motion, to approve staff recommendation for Zone Change No. 2003Z-128U-10, and approve the Planned Unit Development No. 2003P-013U-10, with the elimination of Condition #1. **Approved (7-0)**

Resolution No. 2003 –368

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-128U-10 is **APPROVED. (7-0)**

The proposed RM4 district is consistent with the Subarea 10 Plan’s Residential Low Medium (RLM) policy which allows for residential development at a density of two to four dwelling units per acre.”

Resolution No. 2003 –369

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-013U-10 is **APPROVED WITH CONDITIONS, BUT DID NOT REQUIRE THE INSTALLATION OF PEDESTRIAN PATH TO YMCA. (7-0)**

Conditions of Approval:

1. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners’ signatures, to the Planning Commission staff for review.

2. This preliminary plan approval for the residential portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

IX. PRELIMINARY SUBDIVISION PLATS

11. **2003S-233G-14**
Roehrig Estates Subdivision
Map 44-07, Parcel 9
Subarea 14 (1996)
District 11 (Brown)

A request for preliminary plat approval to subdivide one lot into seven lots abutting the north margin of Jones Circle, approximately 894 feet north of Jones Street, (6.05 acres), classified within the R15 district, requested by William Bryan Roehrig, III, owner/developer, Jesse Walker Engineering, surveyor.

Staff Recommendation - *Approve with conditions*; approve the variance for maximum grade on a local road; disapprove the variance request to only place the sidewalk on one side of the road and construct a 4-foot sidewalk and 2-foot grass strip.

APPLICANT REQUEST

Preliminary Plat - Subdivide 6.05 acres into a 7-lot subdivision with .47 acres of open space, including a variance for maximum grade on a local road and a variance to place the sidewalk only on one side of the road. There is also a request to vary the sidewalk construction standards to construct a 4-foot wide sidewalk and 2-foot wide grass strip, where the regulations require a 5-foot wide sidewalk with a 4-foot wide grass strip.

ZONING

R15 District - R15 district allows single-family and duplex lots and requires a minimum lot size of 15,000 square feet. No lots have been designated as duplex on the preliminary plat.

SUBDIVISION DETAILS - Five of the seven proposed lots have frontage on Old Hickory Lake. There is also a 20-foot lake access easement on the edge of lot 1 that will serve all of the lots. The proposed lots range in size from 25,175 square feet to 37,773 square feet.

There is a small amount of floodplain. Because, it is not being manipulated, however, it can be included and counted toward the minimum lot area requirement. The proposed water quality treatment area is located within open space above the floodplain elevation.

The proposed Roehrig Court right-of-way abuts the neighboring parcel to the west, 0440708801, to provide for future subdivision if that owner so chooses.

Maximum Grade Variance Request - The applicant has requested a variance for the maximum grade of a minor local road of 12% as specified in Table 1 of the Subdivision Regulations. They have requested this variance to lessen the environmental impacts associated with land disturbance to meet the 12% grade.

Public Works Recommendation - Public Works will accept up to 14% grade for minor local roads.

Planning Recommendation - Approve the variance since this roadway design will require less grading. This is a cul-de-sac that will carry low travel volumes.

Sidewalk Variance Request - The applicant has requested to provide a 4-foot wide sidewalk and 2-foot wide grass planting strip on one side of the street only. Section 2-6.1.B. of the Subdivision Regulations requires sidewalks be 5-feet wide with a 4-foot wide grass strip on both sides of all new streets. The applicant argues that because the lots are greater than 20,000 square feet, sidewalks should not be required. However, the Subdivision Regulations only exempt the construction of sidewalks on lots that are zoned for R20 or larger. The zoning on this property is R15.

Public Works Recommendation - Public Works recommends only 5-foot wide sidewalks, ST-210 standard, with a 4-foot wide grass strip. If the variance is approved, Public Works recommends that the sidewalk be on the western margin of Roehrig Court opposite any residential driveways. No obstructions will be permitted in the sidewalk.

Planning Recommendation - Disapprove the request for sidewalk variance. Sidewalks are required in the R15 zoning district, regardless of the size of the lots developed.

CONDITIONS

A revised plat needs to be submitted by November 13, 2003 showing:

1. All lots labeled as critical lots.
2. Sidewalks.

Ms. Fuller presented and stated that staff is recommending approval of the variance for maximum grade on a local road, but is recommending disapproval of the variance request to only place the sidewalk on one side of the road and construct a 4-foot sidewalk and 2-foot grass strip.

Mr. Allen Woods, 29 Jones Circle, spoke in opposition to the project due to issues concerning sewage and drainage. He stated that he had a petition from the members of his community also in opposition to this proposal.

Mr. Lawson explained to Mr. Woods that this plan is still in the preliminary stage and the concerns that he has regarding the proposal will be addressed later on in the process. He stated that this plat will come before the Commission again for final approval where the issues he is referring to will be addressed.

Councilmember Brown mentioned that he was unaware of this project and was just notified by mail yesterday and is asking that this proposal be deferred to allow time for a community meeting to answer questions regarding drainage and sewage.

Mr. Lawson explained that this is just preliminary and the questions that the community have should be addressed before the plat is submitted for final approval.

Upon a request by Councilmember Brown, the owner of the project agreed to meet with the community to address these issues before the project was brought back for final approval.

Mr. Jesse Walker, designer, agreed too that this project will be discussed with the community and asked for the sidewalk variance associated with this project.

Councilmember Loring expressed satisfaction with the information provided in this project and thanked Councilman Brown for his efforts associated with this project.

Mr. Small expressed concerns regarding the sidewalk variance request and if the owner doesn't want the sidewalks then the property should be rezoned to eliminate them.

Mr. Clifton also expressed concerns regarding the zoning of the project and the sidewalk variance request.

Mr. Sweat stated he was in favor of staff recommendation and he feels that sidewalks should be included in the project.

Mr. Clifton moved, and Councilman Loring seconded the motion, which passed unanimously, to approve staff recommendation. **(7-0)**

Resolution No. 2003 –370

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-233G-14 is **APPROVED WITH CONDITIONS staff recommendation for variance for maximum grade on a local road; DISAPPROVED variance request to place sidewalk only on one side of the road and construct a 4-foot sidewalk and a 2-foot grass strip. (7-0)**

Conditions of Approval:

A revised plat needs to be submitted by November 13, 2003 showing:

1. All lots labeled as critical lots.
2. Sidewalks.

12. 2003S-268G-06

Parkview at Riverwalk
Map 126, Parcel 44
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary plat approval for 108 lots abutting the east margin of Highway 70 South and the north margin of the CSX Railroad, (38.31 acres), classified within the RS10 district, requested by Riverwalk Development Partners, Inc., owner/developer, Civil Site Design Group, engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 40.5 acres into a 108-lot cluster lot subdivision, with 36% open space, located at the western terminus of Riverspring Drive on the south margin of Highway 70 South and the Harpeth River.

ZONING

RS10 - RS10 district requires a minimum lot size of 10,000 square feet. RS10 zoning allows a maximum of 150 single-family lots with 50% of the floodplain remaining undisturbed.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two base zoning districts, from 10,000 square foot lots to 5,000 square foot lots. The plan proposes lots that range in size from 5,000 to 7,968 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant meets this requirement, showing 36% open space for the entire subdivision.

SUBDIVISION DETAILS

Floodplain - A majority of the parcel is encumbered with floodplain. Approximately 48% of the floodplain area is marked as disturbed. The remaining 52% will remain undisturbed. Lots located in the floodplain are marked as critical and must comply with all critical lot standards of Appendix C of the Subdivision Regulations.

Greenway - The applicant will build approximately 2,650 feet of greenway, a river overlook, trailhead and parking lot and dedicate an easement to the Metro Parks Department. This greenway will connect to the Riverwalk PUD greenway to the east.

The conservation easement area must be revised prior to the Planning Commission meeting to clearly show the area to remain undisturbed, to relocate the conservation easement to only include the 50 foot floodway buffer plus 25 feet except along Lots 523 to 542, excluding the water quality pond and compensation cut area, and to show the greenway trail area and trailhead beyond the conservation easement as a “Greenway Trail Easement” only.

TRAFFIC

Traffic Engineer’s Recommendation - “The March 2000 TIS for Riverwalk was conducted assuming 447 single family and 158 condos, for a total of 408 am trips and 541 pm trips. The plan approved by council was for 491

single family and 61 townhomes, or a total 388 am trips and 491 pm trips. The 108 single family Parkview development generates 85 am trips and 115 pm trips; therefore $408-388-85 = (-65)$ trips not considered in am and $541-491-115 = (-65)$ trips not considered in pm. The additional 65 trips is less than 100 peak hour, therefore an additional traffic analysis is not required.

The Parkview at Riverwalk shall be conditioned as follows: All roadway improvements conditioned for Riverwalk shall be completed before any use and occupancy permits will be given for Parkview. These conditions include the completion of roadway improvements and signalization of Newsome Station Rd at McCrory Lane that were delayed until June 2004 per agreement between developers, planning and public works.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. A note indicating the Metro Government will not have responsibility for the maintenance of the water quality pond located in the conservation easement area must be added to the final plat.
3. The final plat must include the floodplain acreage and clearly label the area to remain undisturbed.
4. All roadway improvements conditioned for Riverwalk PUD shall be completed before any use and occupancy permits will be given for Parkview. These conditions include the completion of roadway improvements and signalization of Newsome Station Rd at McCrory Lane that were delayed until June 2004, per agreement between developers, Planning and Public Works.
5. Prior to Planning Commission approval, the conservation easement area must be revised to clearly show the area to remain undisturbed.
6. Prior to Planning Commission approval, the conservation easement must be relocated to only include the 50-foot floodway buffer plus 25 feet except along Lots 523 to 542 where it should come to the edge of those lots. The conservation easement must be removed from the areas designated as the water quality pond and compensation cut area.
7. Prior to Planning Commission approval, the plat must be revised to show the greenway trail area and trailhead beyond the conservation easement labeled as a 30 foot wide "Greenway Trail Easement". This easement will not be part of the conservation easement directly adjacent to the Harpeth River.
8. Grading plans for the entire site must be approved by Stormwater prior to final plat approval.
9. Condition # 4 is changed to read as follows, "the previously approved conditions of the Riverwalk PUD, 2000P-003G-06, will apply to Parkview at Riverwalk."

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 -371

"BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-268G-06 is **APPROVED WITH CONDITIONS. (8-0)**"

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. A note indicating the Metro Government will not have responsibility for the maintenance of the water quality pond located in the conservation easement area must be added to the final plat.
3. The final plat must include the floodplain acreage and clearly label the area to remain undisturbed.
4. All roadway improvements conditioned for Riverwalk PUD shall be completed before any use and occupancy permits will be given for Parkview. These conditions include the completion of roadway

improvements and signalization of Newsome Station Rd at McCrory Lane that were delayed until June 2004, per agreement between developers, Planning and Public Works.

5. Prior to Planning Commission approval, the conservation easement area must be revised to clearly show the area to remain undisturbed.
6. Prior to Planning Commission approval, the conservation easement must be relocated to only include the 50-foot floodway buffer plus 25 feet except along Lots 523 to 542 where it should come to the edge of those lots. The conservation easement must be removed from the areas designated as the water quality pond and compensation cut area.
7. Prior to Planning Commission approval, the plat must be revised to show the greenway trail area and trailhead beyond the conservation easement labeled as a 30 foot wide "Greenway Trail Easement". This easement will not be part of the conservation easement directly adjacent to the Harpeth River.
8. Grading plans for the entire site must be approved by Stormwater prior to final plat approval
9. Condition # 4 is changed to read as follows, "the previously approved conditions of the Riverwalk PUD, 2000P-003G-06, will apply to Parkview at Riverwalk."

-
- 13. 2003S-340G-14**
Windstar Estates, Revise Preliminary and Section 1 Final
Map 43, Parcels 7 and 8
Subarea 14 (1996)
District 11 (Brown)

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

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Revised Preliminary & Final Plat

Revise a preliminary plat to subdivide 77.84 acres into an 84-lot cluster lot subdivision and for final plat of Section One to subdivide 39.48 acres into 47 single-family lots and open space, located abutting the northwest corner at Warren Drive and Keeton Avenue.

ZONING

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

R15 District - R15 district, requiring a minimum lot size of 15,000 square feet and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. No duplex lots are proposed.

SUBDIVISION DETAILS

PRELIMINARY PLAT REVISION - The revised preliminary plat differs only in the borrow pit area, undisturbed open space area and the total area for the site. The overall design, including street layout, lot size and location, and open space location, is the same as the approved preliminary plat.

After designing and submitting grading plans for the entire site, it was determined that a larger borrow pit was required in order to have proper sheet flow of water. The grading plans also indicated some areas of the undisturbed open spaces would require substantial grading. This revision includes the expanded borrow pit area. It also includes an expanded undisturbed open space area to compensate for the additional disturbed land in the floodplain. Finally, an updated survey of the property indicates the total area for the site is 77.84 acres, not 73.03 acres.

A condition of the approved preliminary plat requires at least one-half of the natural floodplain be designated as common open space and maintained in a natural state, not exempting the street and utilities areas. These revisions are necessary for this subdivision to comply with the previously approved conditions.

FINAL PLAT - The final plat for Section One includes 47 lots, a 4.24 acre borrow pit and 24.93 acres of open space. Section 17.12.080(D) of the Metro Zoning Ordinance requires a minimum of 15% open space per phase for cluster lot subdivisions. The applicant meets and exceeds this requirement by providing 63% open space.

The majority of this property lies within the floodplain of the Cumberland River. As mentioned above, a condition of the preliminary plat approval requires at least one-half of the natural floodplain be designated as common open space and maintained in a natural state. The applicant is providing 58.5% undisturbed floodplain for this phase.

Section One of Windstar Estates is consistent with the preliminary plat. A condition of the preliminary plat approval requires approved grading plans for the entire property. The applicant received this approval from the Stormwater Division on September 2, 2003.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

CONDITIONS

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

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
2. Grading plans must be revised with the Metro Stormwater Division to include temporary cul-de-sac at the west terminus of Warren Drive.
3. No clearing, grubbing, grading, or other Metro permits will be issued until final plat approval.
4. All grading and engineering plans relating to site development will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.
5. 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.
6. Warren Drive and Keeton Avenue along the property's frontage must be bonded for or upgraded to Public Work's standards for a local street containing 50 feet of right-of-way prior to final plat recordation.
7. Any deviation from the preliminary plat will require the filing of a new preliminary plat.
8. Correct the preliminary subdivision number to read 2002S-229G-14.

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

Councilmember Brown spoke in opposition to this proposal due to experience with flood plain developments. He expressed concerns regarding the elevation requirements, retention ponds, and water runoff and the responsibility associated with these issues. He asked that he be given the opportunity to hire an independent surveyor to better study this area and the issues contained in the development. He requested that the plan be deferred so that he can complete this survey.

Mr. Mike Burns, Burns & Associates, spoke in favor of the project. He stated that they have met all technical aspects of the project.

Mr. Small expressed concerns regarding technical issues and the practicality of the proposal and how they relate to Metro departments. He stated that if they meet technical requirements, they should move on and have other departments review and provide their information as the project reaches final approval.

Councilmember Loring also spoke of the floodplain development and is also recommending that the project be deferred.

Mr. Tyler expressed concerns regarding the information contained in the report pertaining to the total area for the site and its relation to the undisturbed open space area and the disturbed land area in the floodplain.

Councilmember Loring moved, and Mr. Clifton seconded the motion, to defer this item to the November 13, 2003 meeting in order to receive certification of the numbers included in the project from the Public Works Department and the Stormwater Department. Approved (4-3) Yes Votes- Loring, Sweat, Clifton & Lawson. No Votes -Jones, Small & Tyler

The Metropolitan Planning Commission voted to defer this item until the November 13, 2003 meeting. (4-3)
[In favor: Councilmember Loring, Mr. Sweat, Mr. Clifton, and Chairman Lawson. Against: Ms. Jones, Mr. Small, and Mr. Tyler.]

X. FINAL PLATS

- 14. 2003S-242U-10**
Sneed Road Property
Map 130-04, Parcel 48
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create 2 lots abutting the west margin of Sneed Road, including a variance for lot comparability, approximately 450 feet north of Colewood Drive, (1.21 acres), classified within the RS20 district, requested by Alan Burroughs, owner, Wamble & Associates, PLLC, surveyor.

Staff Recommendation - *Approve with conditions*, including waiver of lot comparability requirements.

APPLICANT REQUEST

Preliminary Plat - A request to subdivide one parcel into two lots on the west side of Sneed Road approximately 950 feet south of Hobbs Road (1.19 acres).

ZONING

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

SUBDIVISION DETAILS - The request is to split a 1.19-acre parcel into two lots, of 25,981 and 25,992 square feet. This same request came before the Planning Commission three times previously as: 97S-221U, 98S-117U and 2000S-145U-10. It was disapproved each time for failing to meet the requirements of the Subdivision Regulations for lot comparability, in that the proposed lots didn't have enough frontage.

At the Planning Commission meeting of October 9, 2003, the lot comparability section of the Subdivision Regulations was amended to include the provision that lot comparability may not be required if in the opinion of the Commission the "lot sizes are consistent with the adopted land use policy that applies to the property." (2-4.7.A.4). The land use policy for the proposed lots is RL, residential low density, one to two dwelling units per acre. The proposed lots are approximately 0.6 acres each, which is within the range of the adopted land use policy. The newly adopted standards also allow the commission the ability to waive the comparability standards if a proposed subdivision falls within a one-half mile radius (2,640 feet) of a Regional Activity Center (RAC) policy. Although this proposal does not meet that standard, it does fall within less than a mile of the Green Hills RAC policy (4,575 feet).

The lot comparability analysis of the proposal yielded the following results: Average lot size is 31,907 square feet, 75% of which is 23,930 square feet. Proposed lots are 25,981 and 25,992 square feet. Average frontage is 106 feet, 90% of which is 95 feet. Proposed lots are 87 feet, or 8.5% less than the minimum.

STORMWATER COMMENTS - The proposal has yet to provide the required water quality concept. No development can occur and no final plat approved without first obtaining approval or a variance from the Stormwater division of Water Services.

PUBLIC WORKS COMMENTS - No exception taken.

CONDITIONS

1. Prior to the submittal of a final plat, applicant must provide stamped, approved plans from the Stormwater division of Water Services.

Mr. Kleinfelter presented and stated that staff is recommending approval.

Mr. Bill Norton, 4301 Sneed Road, expressed opposition to this proposal.

Mr. W. Todd Bender, 4307 Sneed Road, spoke against the proposal and submitted a petition to the Commission containing names of others that oppose the project.

Mr. Joe Schimenti, spoke in opposition to the proposal due to the aesthetics of the area and the subdivision of the lots.

Mr. Cullen Douglas, 4335 Sneed Road, spoke against the development.

Mr. Jay Hardcastle, 4209 Sneed Road, spoke against the project.

Mr. Clifton moved, and Mr. Sweat seconded the motion, which passed unanimously to disapprove Final Plat No. 2003S-242U-10. **(7-0)**

Resolution No. 2003 –372

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Plat No. 2003S-242U-10 is **DISAPPROVED. (7-0)**”

-
- 15. 2003S-262G-02**
Quail Ridge, Section 6, 1st Revision
Map 32-10, Parcels 16-31
Subarea 2 (1995)
District 3 (Hughes)

A request for final plat approval to remove the sidewalk along 16 lots abutting the northeast terminus of Setter Court, approximately 150 feet northeast of Quail Ridge Drive, (9.22 acres), classified within the R20 district, requested by The Developers, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final Plat - A request to remove the sidewalk along the east side of Setter Court, approximately 150 feet northeast of Quail Ridge Drive (9.22 acres).

ZONING

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

PLAT DESIGN - This subdivision is approved for 16 lots along Setter Court with a sidewalk on the east side.

Sidewalk Provision - Section 2-6.1 of the Subdivision Regulations states that sidewalks are only required on residential lots zoned for less than 20,000 square feet in minimum lot size.

These lots are zoned R20 and are 20,000 square feet or greater.

Public Works' Recommendation - No Exception Taken.

CONDITIONS

1. Prior to the recordation of the final plat, all property owners' signatures within this subdivision along Setter Court must be submitted.

Mr. Kleinfelter explained that this item was originally removed from the Consent Agenda at the onset of this meeting. He stated that that person was no longer in attendance and should be placed back on the agenda.

Mr. Clifton moved, and Mr. Sweat seconded the motion, which passed unanimously, to place this item back on the consent agenda for approval.

Approved with conditions (7-0) *Consent Agenda*

Resolution No. 2003 –373

“BE IT RESOLVED by the Metropolitan Planning Commission that Final Plat No. 2003S-262G-02 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Prior to the recordation of the final plat, all property owners' signatures within this subdivision along Setter Court must be submitted.”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 16. 98P-001G-14**
Alta Lake
Map 97, Parcels 152
Subarea 14 (1996)
District 14 (White)

A request for a revision to the preliminary plan for a phase of the Planned Unit Development located abutting the north side of Bell Road, east of Dodson Chapel Road, classified RM9, (10.81 acres), to permit the development of 156 multi-family units to replace the approved 196 multi-family units, requested by Ragan- Smith Associates, for Bennett Volunteet LLC., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary - Request to revise the preliminary master plan for the Alta Lake Residential PUD to allow for the development of a 156-unit townhouse project, which would replace the 196-unit multi-family project, within Phase 2 of the PUD. The property is located east of Dodson Chapel Road and between Interstate 40 and Bell Road.

PLAN DETAILS

The proposed plan calls for a reduction in multi-family units from 196 to 156 – thereby removing the need for any development bonuses. Density bonuses were provided as a part of the currently approved plan. The most recently revised plan was approved by the Planning Commission in November of 1999. That revised preliminary plan allowed for the development of 366 multi-family units in Phase 1, 196 multi-family units in Phase 2, and provided for the dedication of a 16-acre tract along Dodson Chapel Road and Bell Road to Metro Government for use as a Metro Park. The 1999 approval also provided final PUD approval to allow for the development of Phase 1 and to allow for the development of a Greenway Trail throughout the dedicated (Phase 3) site and a portion of Phase 2.

The site design of the proposed revision does not include significant changes from the currently approved plan. The proposed plan provides for one point of ingress and egress off of Bell Road. Detention will be provided on-site and constructed in conjunction with the deepening and widening of an existing wet-weather stream bed.

TRAFFIC ENGINEER’S FINDINGS

Recommend conditional approval, subject to the following conditions being met:

- 1. All previously conditioned road improvements from Phase 1 shall be installed. The receipt of the \$30,000 contribution for improvements at the Dodson Chapel Rd/Central Pike intersection shall be verified.
- 2. For this Phase 2 apartment development, a 12-foot left turn lane with 75 feet of storage and [a] 160-foot transition per AASHTO standards shall be installed on Bell Road at the apartment entrance.

CONDITIONS

- 1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration.
- 2. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
- 3. Since a portion of the slope edge of the detention area encroaches into the Metro dedicated park tract, the appropriate access and maintenance easement agreements shall be executed between the developer and Metro Government.
- 4. Prior to the issuance of any Use and Occupancy permits for Phase II apartment development, a 12-foot left turn lane with 75 feet of storage and a 160-foot transition per AASHTO standards shall be installed on Bell Road at the apartment entrance.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 –374

“BE IT RESOLVED by the Metropolitan Planning Commission that this revision to preliminary plan for PUD No. 98P-001G-14 is **APPROVED WITH CONDITIONS (8-0)**.

Conditions of Approval:

Recommend conditional approval, subject to the following conditions being met:

- 1. All previously conditioned road improvements from Phase 1 shall be installed. The receipt of the \$30,000 contribution for improvements at the Dodson Chapel Rd/Central Pike intersection shall be verified.
- 2. For this Phase 2 apartment development, a 12-foot left turn lane with 75 feet of storage and [a] 160-foot transition per AASHTO standards shall be installed on Bell Road at the apartment entrance.
- 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.
- 4. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
- 5. Since a portion of the slope edge of the detention area encroaches into the Metro dedicated park tract, the appropriate access and maintenance easement agreements shall be executed between the developer and Metro Government.
- 6. Prior to the issuance of any Use and Occupancy permits for Phase II apartment development, a 12-foot left turn lane with 75 feet of storage and a 160-foot transition per AASHTO standards shall be installed on Bell Road at the apartment entrance.”

-
- 17. 2000P-003G-06**
Riverwalk Phases 3A and 3B
Map 126, Part of Parcel 47
Subarea 6 (2003)
District 35 (Tygard)

A request for final approval for Phases 3A and 3B of the Planned Unit Development located abutting the north margin of Newsome Station Road, east of McCrory Lane, classified RS15, (29.91 acres), to permit the development of 47 single-family lots, requested by Civil Site Design Group, for Riverwalk Development Partners, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Permit the development of 47 single-family lots (Phases 3A & 3B) on a 29.91-acre portion of the 150.71-acre section of the Riverwalk Community residential subdivision located north of the CSX railroad tracks and south of the Harpeth River. The entire 150-acre section of this PUD includes Phases 2, 3, and 4. This request for final PUD approval is only for Phase Two. Proposed lots will range in size from 5,024 square feet to 9,186 square feet.

PUD / PLAN DETAILS

History - On March 15, 2001, the Planning Commission approved a revision to the preliminary plan and for final approval of Phase 1, which is the section of the PUD located south of the CSX railroad tracks and along Newsome Station Road.

On May 8, 2003, Phase 2 received final PUD approval following approval of an amendment to the PUD, by Metro Council, which added seven single-family lots to Phase 2. Although the plan was amended to add lots, the overall design did not significantly change. The previous final PUD approval for Phase 2 had been provided by the Metro Planning Commission in October of 2002.

Proposed Plan - The Phase 3A & 3B plan proposes 47 single-family lots along the main perimeter road of the north side of this PUD. These 47 lots will be located adjacent to the dedicated open space and proposed greenway trail, which runs along the riverside perimeter of the entire 150-acre northern portion of the PUD and adjacent to the Harpeth River.

Greenway Trail - A potential change to the approved greenway trail being developed as part of the residential PUD is included with this request. Directly west of the phase 3A & 3B portions of the PUD is a proposal for a cluster lot subdivision that is not being developed as a planned unit development (Case #2003S-268G-06). The developer of that site (Parkview at Riverwalk) has reached an agreement with the Riverwalk developer to relocate a portion of the approved greenway trail from Phases 3A & 3B of the Riverwalk PUD to continue westward into the new subdivision. In addition, the currently approved greenway parking area, located in phase 2B of the Riverwalk PUD, would be relocated to the Parkview at Riverwalk subdivision. Should these proposals ever reach fruition – and if the developers still want to relocate the greenway trail – the Riverwalk PUD shall be revised to show the trail extension into the subdivision at the north end, shall be revised to remove the currently approved greenway parking area, and shall be revised to provide for a continuation of the greenway trail out of the subdivision and back into the Riverwalk PUD. This return of the trail back into the PUD shall seamlessly tie in to the existing sidewalk network within the PUD, as was provided in the currently approved plan.

TRAFFIC ENGINEER'S FINDINGS - Approve

CONDITIONS

1. Should the currently-approved greenway trail be re-routed into the development proposal located west of the Riverwalk PUD, the Riverwalk PUD shall be revised to show the trail extension into the subdivision at the north end, shall be revised to remove the currently-approved greenway parking area, and shall be revised to provide for a continuation of the greenway trail out of the subdivision and back into the Riverwalk PUD. This return of the trail back into the PUD shall seamlessly tie-in to the existing sidewalk network within the PUD, as was provided in the currently approved plan.

2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with Conditions (8-0), Consent Agenda

Resolution No. 2003 –375

“BE IT RESOLVED by the Metropolitan Planning Commission that request for final approval of PUD No. 2000P-003G-06 is **APPROVED WITH CONDITIONS. (8-0).**

Conditions of Approval:

1. Should the currently-approved greenway trail be re-routed into the development proposal located west of the Riverwalk PUD, the Riverwalk PUD shall be revised to show the trail extension into the subdivision at the north end, shall be revised to remove the currently-approved greenway parking area, and shall be revised to provide for a continuation of the greenway trail out of the subdivision and back into the Riverwalk PUD. This return of the trail back into the PUD shall seamlessly tie-in to the existing sidewalk network within the PUD, as was provided in the currently approved plan.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. 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

- 18. 2001UD-001U-01**
 Lenox Village, Phase I
 Map 173, Part of Parcel 62
 Subarea 12 (1997)
 District 31 (Toler)

A request for final approval for a Phase of the Urban Design Overlay located abutting the east margin of Nolensville Pike, opposite Bradford Hills Drive, classified RM9, (11.047 acres), to permit the development of 50 townhouses, 4 single-family rear access and 15 single-family street access units, requested by Anderson-Delk, for Lenox Village LLC., owner.

Staff Recommendation - Approve Phase “I”; which is consistent with the UDO design concept plan.

APPLICANT REQUEST - Approval of final construction plans for Phase “I” in order to permit development of 50 townhouses, 4 single-family rear access homes, and 15 single-family street access homes.

Existing Zoning

RM9 zoning with a UDO-Mixed housing type residential development in accordance with a design concept plan and design guidelines.

Proposed Zoning - N/A

SUBAREA 12 PLAN Policy - Residential Medium (RM) Density

Policy Conflict - No. The RM9 zoning and UDO are consistent with the RM policy

RECENT REZONINGS - No

TRAFFIC

Traffic Study Submitted - No – none required.

Metro Traffic Engineer’s Findings - Disapprove. “[The applicant] submitted a revised plan addressing [staff] comments. He has removed parking around the park area on Heaton Way and placed no parking signs in order to address comments 1 and 2. He maintains 18 feet of pavement. Since the area of on -street parking is greater than 100 feet; this parking removal will need to go before the T&P commission for approval. It should also be demonstrated that the pavement width is necessary for adequate turning movements and does not encourage illegal potential illegal parking if the commission approves such parking removal. We have determined that the presented response is insufficient. Further analysis is required for appropriate pavement width and Truck turning radius.”

STAFF ANALYSIS

The UDO concept plan calls for Sunnywood Drive to eventually be extended to adjoining property to the south of Phase “I”. For this phase, both Heaton Way and Sunnywood Drive are being extended to the south with cross-connections via smaller lanes or drives. Centrally located in this phase is a small park area that some of the townhomes will face and be able to utilize. Staff worked with the applicant to re-route and re-engineer some stormwater flows so as to preserve usefulness of the park.

Metro Public Works is not providing a recommendation of approval at this time based upon conflicts between the proposed design and current Public Works’ standard designs. Planning Department staff finds that the revised plan appears to reflect the Council-approved master UDO plan and concept.

Approved (8-0), Consent Agenda

Resolution No. 2003 –376

“BE IT RESOLVED by the Metropolitan Planning Commission that request for final approval of Urban Design Overlay No. 2001UD-001U-01 is **APPROVED as consistent with the UDO design concept plan. (8-0).**”

XII. MANDATORY REFERRALS

19. 2003M-113U-08

Rename Portion of 37th Avenue North to Elizabeth Jordan Street
Map 92-09, Parcel 45
Subarea 8 (2002)
District 21 (Whitmore)

A request to rename a portion of 37th Avenue North, between Georgia Avenue and Indiana Avenue, to Elizabeth Jordan Street, to honor resident and past president of Preston Taylor homes, requested by Phil Ryan, property owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request to rename a portion of 37th Avenue North, between Georgia Avenue and Indiana Avenue, to Elizabeth Jordan Street, to honor resident and past president of Preston Taylor homes, requested by MDHA, property owner.

DEPARTMENT AND AGENCY COMMENTS - The applicant has requested that this section of roadway be officially named “Elizabeth Jordan Street” to honor a life long resident of Preston Taylor and Past President of the Preston Taylor Residents Association.

Staff supports the requested renaming because it is an extension of the existing Elizabeth Jordan Street and eliminates an isolated, one block street name, 37th Avenue North.

MDHA owns the three adjacent properties affected by this renaming.

Approved (8-0), Consent Agenda

Resolution No. 2003 –377

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-113U-08 is **APPROVED. (8-0)**”

- 20. 2003M-114U-10**
Awning Encroachment at 1517, 1519, and 1521 Dallas Avenue
Map 117-04, Parcel 179
Subarea 10 (1994)
District 18 (Hausser)

A request for an awning encroachment located at 1517, 1519, and 1521 Dallas Avenue, at the southeast corner of Dallas Avenue and Belmont Boulevard, requested by the Max Pollack, Wayside Construction Company.

The Metropolitan Planning Commission deferred Mandatory Referral No. 2003M-114U-10 to the November 13, 2003 meeting (8-0) at the request of the applicant.

- 21. 2003M-115G-04**
Close Portion of Lawrence Avenue
Map 43-01, Parcel 304
Subarea 4 (1998)
District 9 (Forkum)

A request to close a portion of Lawrence Avenue, located at the western terminus of Lawrence Avenue and the southern terminus of Palmer Avenue, for the purposes of closing an unbuilt, unused right-of-way to illegal dumping and criminal activity, requested by Pedro Martinez, property owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request to close a portion of Lawrence Avenue, located at the western terminus of Lawrence Avenue and the southern terminus of Palmer Avenue, for the purposes of closing an unbuilt, unused right-of-way to illegal dumping and criminal activity, requested by Pedro Martinez, property owner.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes
Abutting property owners’ sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

PlanningThe right-of-way for the unbuilt portion of Lawrence Avenue runs from the intersection of Lawrence Avenue and Palmer Avenue west, approximately 125 feet. It dead-ends into the rear of a residential lot in the Shannon Place subdivision. One half of the abandoned right-of-way will revert to the owner of Parcel 088, who has a driveway that accesses Lawrence Avenue. In addition, the owner of Parcel 088.

Planning staff recommends approval of this request.

Public Works - Public Works recommends approval of this request.

Nashville Electric Service-NES recommends approval of this item, provided that NES retains all existing easements.

Water Services - Water Services recommends approval of this item, provided that Water Services retains all existing easements.

Approved (8-0), Consent Agenda

Resolution No. 2003 -378

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-115G-04 is **APPROVED. (8-0)**”

XIII. OTHER BUSINESS

22. Executive Director Reports

23. Legislative Update

XIV. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 7:15 p.m.

Chairman

Secretary

