



**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 28, 2004*

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**PLANNING COMMISSION:**

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

**Staff Present:**

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

**I. CALL TO ORDER**

The meeting was called to order at 4:04 p.m.

**II. ADOPTION OF AGENDA**

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

**III. APPROVAL OF OCTOBER 14, 2004 MINUTES**

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the October 14, 2004 minutes. (9-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Gotto spoke in favor of Item #30 – 2004P-019G-14 which was on the Consent Agenda.

Councilmember Coleman spoke regarding Item #1 – 2004Z-120G-12. He requested the Commission consider the issues and concerns regarding this proposal when making their decision.

Councilmember Tygard spoke regarding Item #4 – 2004S-286G-06, Magnolia Hills. He spoke in favor of granting a sidewalk variance to the developer. He stated that the existing community is not in favor of the proposed sidewalks and many have signed a petition to confirm this. Councilmember Tygard also spoke regarding the Subarea 6 Plan Amendment. He was in favor of deferring the item until December 9, 2004 which would allow additional time for

community meetings. He also suggested that staff prepare a Q&A fact sheet to be distributed at the community meetings to assist with educating the Community on the proposed plan amendments.

Councilmember Foster spoke in favor of Item #10 – 2004Z-134U-12. He indicated that he held a community meeting with the developer and his constituents, and those who attended the meeting, were satisfied with the proposal. He also mentioned some flooding issues associated with Seven Mile Creek. He stated he would be holding a community meeting with the Stormwater Division and those who have voiced a concern. He stated that the flooding issues were unrelated to this development.

Councilmember McClendon spoke in opposition to Item #23 – 2004S-285U-11. She said the current plan, as submitted, would not be compatible with the area and suggested special conditions be added if the plan is approved.

Councilmember Shulman spoke regarding items #6 – 2004Z-021T, #17 – 2004Z-140U-10, and #18 – 2004Z-141U-10. He spoke in favor of Zone Change 2004Z-141U-10. He stated that the members of this community would like to protect the integrity of their neighborhood and were very much in favor of approving the zone change.

Councilmember Hausser spoke in favor of Items #19 – 2004Z-142U-10 and #20 – 2004Z-143U-10 which were on the Consent Agenda.

On behalf of the Commission, Chairman Lawson expressed condolences to Rick Bernhardt and his family for the loss of Rick’s father-in-law.

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

2.	2004Z-133G-12	Change from AR2a to MUL at 6812 Nolensville Pike – Deferred to November 11, 2004 at the request of the applicant
3.	2004S-267U-07	West Meade Village, Section C-1, Resubdivision of Lot 8 – Request for final plat approval located at Davidson Road and Bresslyn Road – Deferred to December 9, 2004 at the request of the applicant
6.	2004Z-021T	Council bill to amend Section 17.40.740 – Deferred to November 11, 2004
16.	2004Z-139G-12	Change from AR2a to RM9 at 6614 Nolensville Pike – Deferred to November 11, 2004 at the request of the applicant
17.	2004Z-140U-10	Change from R20 to R10 at 4115 Lealand Land – Deferred to November 11, 2004 at the request of the applicant
22.	97S-014U-03	Forest vale Subdivision – plat recission – Deferred to December 9, 2004 at the request of the applicant
21.	2004Z-144G-06	Change from R10 to RM15 at 7301 Sonya Drive – Deferred to November 11, 2004 at the request of the applicant
33.	2004S-108U-03	Request to rename a section of Walker Lane to “Mable Boyd Lane” – Withdraw at the request of the applicant

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

## VI. PUBLIC HEARING: CONSENT AGENDA

### ZONING

7.	2004Z-022T	A Council bill to amend Section 17.40.360 to require that all court proceedings associated with violations of the zoning code be resolved before the Board of Zoning Appeals may hold a public hearing upon a variance application for relief from the Code provisions that are the subject matter of the violation	-Approve staff recommendation
12.	2004Z-136U-03	A request to change from CL and RS5 to MUL district property at Artic Avenue	- Approve w/ conditions
13.	2004Z-137G-12	A request to change from AR2a to RS10 district property at 6125 Mt. Pisgah Road, at the terminus of Bryce Road	- Approve w/ conditions
14.	2004Z-138U-13	A request to change from RS10 and CL to CS district property at 727, 729, 733, and 739 Briley Parkway, south of Interstate 40	- Approve w/ conditions
15.	40-71-G-13	A request to cancel the Commercial Planned Unit Development district located at 729, 733, 727, and 739 Briley Parkway located at Briley Parkway and Dabbs Avenue	- Approve
19.	2004Z-142U-10	A request to change from OR20 to ORI district property at 3000, 3002, and 3004 Vanderbilt Pl., 119 and 121 29th Ave. S., and 120 30th Avenue South	- Approve
20.	2004Z-143U-10	A request to change from CL to MUG district property at 106 28th Ave. S., 2707, 2609, 2611, and 2613 West End Avenue	- Approve

### FINAL PLATS

24.	2004S-299G-04	Stone Subdivision, create 2 lots at the southwest corner of North Dupont Avenue and Rio Vista Drive. <b>A note shall be added to the final plat that prior to the issuance of any building permit, lot 2 shall be further subdivided.</b>	- Approve w/conditions
26.	2004S-310A-11	Glencliff Estates, amendment to lot 2 - A request to amend the setback line on one lot abutting the northeast corner of Woodmere Drive and Greymont Drive	- Approve

### PLANNED UNIT DEVELOPMENTS

27.	103-80-U-12	Barnes Crossing (Formerly Monte Carlo Square) - A request for final plan approval for the Residential Planned Unit Development district located at Barnes Road	- Approve w/ conditions
28.	27-87-P-03	Creekside Trails, Phase 4 & 5 - A request for final approval for 2 phases of the Residential Planned Unit Development district located along the west side of Eaton's Creek Road	- Approve w/ conditions
29.	88P-068G-13	Nashboro Square Commercial - A request to revise a portion of the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located abutting the east side of Murfreesboro Pike, north of Brooksboro Trail.	- Approve w/ conditions

30.	2004P-019G-14	Hermitage Senior Living - A request for final approval for a Planned Unit Development district located at 4131 Andrew Jackson Parkway	- Approve w/ conditions
31.	2004P-027G-06	Bellevue KFC - A request for preliminary approval for a Planned Unit Development district located on a portion of property at 7121 Highway 70 South	- Approve w/ conditions

**MANDATORY REFERRALS**

32.	2004M-107G-12	A request for underground encroachment at Burkitt Road	- Approve w/ conditions
35.	Adopt 2005 Metro Planning Commission schedule		- Approve

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

**VII. BELLEVUE COMMUNITY PLAN: UPDATE**

Ms. Wood presented and stated that staff is recommending holding a public hearing, and keeping the public hearing open, and deferring any action until the November 11, 2004 meeting.

Mr. Lawson stated that the Commission will recommend keeping the Public Hearing open and deferring this item until the December 9, 2004 meeting. He explained that this will allow staff members to hold two community meetings.

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

Mr. Roger Baskette, 6781 Autumnwood Drive, spoke in opposition to the plan update.  
Mr. Baskette submitted his written opposition into the record.

Mr. John Ladd, 104 Temple Hollow Circle, spoke in opposition to the proposal.

Ms. Mary Lee Proctor O’Neil, 8058 Hwy 100, spoke in support of the proposal.

Mr. Harold Cunningham, 8050 Hwy 100, spoke in support of the proposal.

Mr. Don Johnson, 7990 Poplar Creek Road, spoke in support of the proposal.  
Mr. Jacky Allen, 7009 Waterbury Pointe, spoke in support of the proposal.

Mr. Eric Lewis, 7978 Hwy 100, spoke in opposition to the proposal.

Mr. Stephen Brink, 2974 Polo Club Road, spoke in support of the proposal.

Mr. Mike Slaydon, 7224 Poplar Creek Trace, spoke in opposition to the proposal.

Mr. D.E. Ryan, 5981 Temple Road, spoke in support of the proposal.

Ms. Janette Bolden, 5945 Temple Road, spoke in support of the proposal.

Mr. John Rumble, 712 Burleigh Court, suggested utilizing a UDO for the amendment

Ms. Rachel Petry, 6620 Autumnwood Drive, spoke in opposition to the proposal.

Mr. Jesse Moore, 6784 Autumnwood Drive, spoke in opposition to the proposal.

Ms. Beth Lewis, 7978 Hwy 100, spoke in opposition to the proposal.

Ms. Phyllis Bauman, 103 Fox Hunt Pointe, spoke in opposition to the proposal.

A resident of 7902 Hwy 100, spoke in opposition to the proposal.

Mr. Chris Hatlick, 5728 Templegate Drive, spoke in opposition to the proposal and submitted a petition of opposition into the record.

Mr. Ron Hooper, 7917 Meadow View Drive, spoke in opposition to the proposal.

Mr. Mark Antonini, 5732 Templegate Drive, spoke in support of the proposal.

Ms. Charlene Greer spoke in support of the proposal.

Mr. Bob Bolden, 5945 Temple Road, spoke in favor of the proposal.

Mr. William Rawdon, 5023 Cambron Drive, spoke in opposition to the proposal.

Mr. Lawson thanked the community members for attending the meeting and sharing their views on this proposal. He encouraged everyone to stay engaged with the planning and policy processes of their neighborhoods.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to defer the Bellevue Community Plan Update until December 9, 2004 to allow for two additional community meetings, and to keep the public hearing open until December 9, 2004. **(9-0)**

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**The Metropolitan Planning Commission DEFERRED the Bellevue Community Plan Update until the December 9, 2004 meeting. (9-0)**

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The commission recessed at 5:25 p.m.

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

The Commission resumed business at 5:40 p.m.

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Mr. Kleinfelter announced that the applicant for Item #11 – 2004Z-135U-09 (a request to change from RS3.75 to RM15 district property at 1021 9<sup>th</sup> Avenue North, south side of Phillips Street) has requested deferral until November 11, 2004.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to defer Zone Change 2004Z-135U-09 until November 11, 2004 at the request of the applicant. **(8-0)**

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**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-135U-09 to the November 11, 2004 meeting, at the request of the applicant. (8-0)**

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## **VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

### **ZONING MAP AMENDMENTS**

- 1. 2004Z-120G-12**  
Map 182, Parcel 141, 142  
Map 174, Parcel 008, 120, and part of 191  
Subarea 12 (1997)  
District 32 (Coleman)

A request to change from AR2a to RS10 district property at 5869, 5917, 5937, 5943 Pettus Road and Pettus Road (unnumbered), located 1,500 feet north of Old Hickory Boulevard, (59.15 acres), requested by Anderson-Delk & Associates, Inc., applicant, for SAF Properties, Thelma Clark, and Charles and Martha Dornan, owners.

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

**APPLICANT REQUEST** - Rezone 59.15 acres from agricultural/residential (AR2a) to residential single-family (RS10) district to a portion of property at 5869, 5917, 5937, 5943 Pettus Road and Pettus Road (unnumbered).

#### **Existing Zoning**

**AR2a district** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This AR2a district allows approximately 30 dwelling units currently.

#### **Proposed Zoning**

**RS10 district** - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 district would allow for approximately 219 single-family homes.

### **SOUTHEAST COMMUNITY PLAN POLICY**

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

**Policy Conflict** - The proposed zoning district (RS10) is consistent with the Southeast Community Plan's RLM policy, however, it is located within a major infrastructure deficiency area. These areas are areas where the existing road and school conditions are not "...efficient to handle current or expected population needs."

**Transportation deficiencies** - Staff is working to develop a checklist, grid, or other tool that can be used to analyze projects proposed for transportation infrastructure deficiency areas. No such tool has been finalized at this time. Staff has reviewed the roads and schools in the area of this requested rezoning, however, to determine whether the proposed rezoning is appropriate at this time.

Pettus Road may be considered a substandard road and would be the major road providing access for this development. There are three required street connections shown on this property in the recently adopted Southeast Community Plan, which will be considered during the platting stage, if this property is rezoned. A street will be required to connect to the subdivision to the west (Hidden Creek Subdivision) providing another access point to Old Hickory Blvd., which may also be considered a substandard road.

Staff has determined that while Pettus Road and Old Hickory Boulevard in this area are substandard roads, the road connections that would be provided by development of this property will benefit the overall roadway network in this area.

Staff recommends that any approval of this rezoning request should include a condition that any future development of the property must include the three required street connections shown in the Southeast Community Plan. In

addition, any development of the property must include improvements to bring Pettus Road to the appropriate Metro standards from the northern boundary of Parcel 008 on Pettus Road to the southern boundary of Parcel 141.

**School deficiencies** - In addition to road infrastructure deficiencies, the Southeast Community Plan notes that “[i]nadequate school facilities in the area are also a problem in the Southeast Community.” Additional analysis of the projected student generation from this rezoning and school capacity in this area is provided below. Because the school board has programmed for new schools in this area, staff does not recommend disapproval of the requested rezoning based on school deficiencies.

**Geotechnical Study** - At the June 26, 2003, meeting, the same request was made (with the exception of 18.82 acres in the request today) to rezone 40.33 acres from AR2a to RS10. There was concern by neighbors and the Commission about Swirl Canyon Cave and sinkholes on the property. The Commission voted to recommend disapproval of the request, citing concerns about safety and ecological issues that needed to be addressed. If the cave is on this site, the Southeast Community Plan states that Swirl Canyon Cave should be preserved.

The applicant forwarded a copy of the geotechnical study to Public Works for review. Although there is not a geotechnical engineer on staff, the report was reviewed by Public Works staff. This study was deemed as acceptable since the study was prepared by a reputable firm and was stamped by a professional engineer.

**RECENT REZONINGS** - Parcels 141 and 008 (also included in this zone change request) were disapproved for a rezoning by the Planning Commission on June 26, 2003 and was withdrawn from Council.

**TRAFFIC** - A Traffic Impact Study (TIS) will be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	59.15	0.5	30	344	31	37

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	59.15	3.7	219	2144	163	218

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1800	132	181

**METRO SCHOOL BOARD REPORT**

Projected student generation      42 Elementary   30 Middle      25 High

**Schools Over/Under Capacity** - Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster and a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

**Fiscal Liability** - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$169,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

### **CONDITIONS**

1. An future development of the property must include the three required street connections shown in the Southeast Community Plan.
2. Any development of the property must include improvements to bring Pettus Road to the appropriate Metro standards from the northern boundary of Parcel 008 on Pettus Road to the southern boundary of Parcel 141.

Ms. Bond presented and stated that staff is recommending either approval with conditions including the recommendations submitted by Public Works or approval with conditions including the list of recommendations by Public Works, but omitting the sentence specifically directed at Pettus Road improvements and include Staff's recommendation on the Pettus Road improvements.

Mr. Steven Capps, Geologist with GeoTech Engineering, made a PowerPoint presentation on Swirl Canyon Cave. The presentation included the geographical location of the cave and how its existence relates to the proposal.

Mr. John Mishu, GeoTech Engineering, was also present to answer any questions the Commissioners had regarding Swirl Canyon Cave.

Mr. Small requested further clarification regarding the location of the cave and its relation to the proposed development.

Mr. Capps stated that a very small portion of the cave is located on the proposed development site and has at least 40 to 50 feet of limestone bedrock with 10 to 20 feet of soil on top of it.

Mr. Small questioned whether blasting, (if used in development), would cause any impact to the cave.

Mr. Mishu stated that the soil overburden would not require any blasting for the development.

Mr. Small requested further clarification on the issues associated with buying one of the new homes within the development with relation to the cave; as well as issues associated with landowners surrounding the proposed development and Swirl Canyon Cave and any impacts this development could have on them.

Mr. Ponder requested further clarification regarding the sensitive areas of the cave and whether these areas were discussed with the developers.

Mr. Mishu indicated that they did speak with the developers regarding the sensitive areas of the cave.

Mr. Ponder requested further clarification regarding any water drainage issues that would be associated with the entrance of the cave and the impacts it would have on the cave.

Mr. Mishu explained that the only point that the cave would take in water is near the small entrance of the cave located away from the development and any water that is existing within the cave is from the soil itself, not from any sinkholes.

Mr. Tom White, attorney, spoke in favor of the zone change request.

Mr. Steve Abernathy, 5929 Pettus Road, spoke in support of the rezoning.

Mr. Mike Jones, 5923 Pettus Road, spoke in opposition to the density of the proposal associated with this zone change request.



Mr. Charlie Dornan, spoke in favor of the zone change request.

Councilmember Coleman stated that he has held a community meeting regarding the proposed zone change request. As a result of the meeting, Councilmember Coleman stated that his community would approve the zone change request and the proposed development if the following issues were addressed: 1) someone from the City authenticate the GeoTechnical Survey of Swirl Canyon Cave, 2) provide accurate number of students that this development would generate, and 3) the infrastructure of Old Hickory Boulevard and Pettus Road and how the developer would be responsible for improving these substandard roads.

Mr. Ponder stated he would be in favor of approving this proposal as long as it included conditions to address the issues presented.

Mr. Tyler requested clarification on the conditions placed on the infrastructure of Pettus Road and also stated he has concerns regarding the density of the proposed development and its effect on the school system in the area. Mr. Lawson stated that at this time, the applicant is requesting just a zone change. He explained that when a development plan is presented at a later date, the Commissioners should take into consideration all of the concerns listed at that time.

Mr. McLean requested further clarification on the capability of the City authenticating the GeoTechnical report.

Ms. Jones offered that the City would have to hire a GeoTechnical company who would provide insurance to authenticate the GeoTechnical study.

Ms. Nielson clarified the actions that were necessary of the Commission in relation to this zone change request.

Mr. Small agreed with the statements made by the Commissioners. He also stated that the meeting process that is being used by the Community is helping in that it is educating those who would be affected by this zone change request.

Mr. Loring spoke in support of the zone change request. He mentioned that he is satisfied with the work completed by staff regarding the many unanswered questions the Commission had when this development was first presented.

Mr. Loring moved and Ms. Jones seconded the motion, which passed unanimously to approve zone change 2004Z-120G-12 with the recommendations made by the Public Works Department. **(8-0)**

Mr. Ponder requested information regarding the cave.

**Resolution No. RS2004-380**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2004Z-120G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Any future development of the property must include the three required street connections shown in the Southeast Community Plan.
2. ~~Any development of the property must include improvements to bring Pettus Road to the appropriate Metro standards from the northern boundary of Parcel 008 on Pettus Road to the southern boundary of Parcel 141.”~~
2. In order to optimize traffic operations and safety at the site access point on Pettus Road install a left turn lane. The left turn lane should include 100 feet of storage and transitions designed to AASHTO standards
3. Field observations indicate that sight distance is restricted at the proposed location of the project access on Pettus Road. The project access is proposed to be located at the high point of a crest vertical curve on

Pettus Road. However, there is an additional vertical curve located on either side of this primary hillcrest. If the project access is located at the high point of the primary hillcrest, sight distance will be limited to the south by the additional vertical curve that is located just to the south of the project access. In order to alleviate this problem, it is recommended that the vertical curve south of the project access be lowered so that sight distance in accordance with AASHTO criteria can be provided. This will require reconstruction of this section of the road. In addition to the lowering of the vertical curve, it is recommended that Pettus Road south of the project access be widened to provide a standard rural road cross-section with lane widths of 12 feet with 4 feet shoulders. This widening should extend south of the project access to the beginning of the left turn lane, or to the point where Pettus Road is recommended to be reconstructed to lower the vertical curve, whichever is greater.

4. In addition to the improvements identified above, it is recommended that Pettus Road be widened north of the project access to provide a rural road cross-section with lane widths of 12 feet and 4 feet shoulders. This widening should extend along the entire frontage of the project site.
5. Sidewalks are to be constructed along Pettus Road along the property frontage using Public Works standards for a rural section.
6. Sidewalks are to be installed on all internal streets meeting Public Works standards
7. Street connectivity shall be as outlined in the Southeast Community Plan.
8. All construction plans are subject to review and final approval by Public Works. Public Works reserves the right to make additional conditions subject to final review and approval of the development plans and the TIS.

**The proposed RS10 district is consistent Southeast Community Plan’s Residential Low Medium (RLM) policy intended for residential development within a density range of two to four dwelling units per acre. It is also consistent with the surrounding zoning pattern. Because this property is located within an infrastructure deficiency area, Metro Public Works conditions were made as conditions for the approval. Any future development of the property shall include the three required street connections shown in the subarea plan.”**

Amended 6/9/05 – See 6/9/05 minutes – Other Business

2. **2004Z-133G-12**  
Map 181, Parcel portion of 10  
Subarea 12 (2004)  
District 31 (Toler)

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

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-133G-12 to November 11, 2004 at the request of the applicant. (9-0)**

## FINAL PLATS

3. **2004S-267U-07**  
West Meade Village, Section C-1, Resubdivision of Lot 8  
Map 118-08, Parcel 68  
Subarea 7 (2000)  
District 23 (Whitson)



Mr. Danny Wamble, Wamble & Associates, spoke in favor of granting the sidewalk variance.

Mr. Dawson Hignutt, 7208 Magnolia, spoke in favor of granting the sidewalk variance.

Mr. Fred Rowles, 409 Magnolia Hills Court, spoke in favor of granting the sidewalk variance.

Mr. Lawson summarized the issues presented to the Commissioners. The first issue being whether a reason to grant a variance has been presented and the second issue is whether the in-lieu fee can be applied. The last issue was whether the appropriate checks-n-balances are in place in order to make sure that bonds do not lapse.

Mr. Small agreed with Mr. Lawson's comments. He mentioned three other developments that are similar to this case that came before the Commission. He requested clarification on how the in-lieu fee provisions (that were recently approved by the Commission) would be applicable to this request.

Mr. Kleinfelter spoke briefly on the issue of bonds being able to lapse and the actions that the City takes in order to insure the completion of jobs before the expiration of bonds.

Ms. Holleman explained that the subdivision contains streets that have not yet been accepted by Metro and the streets have been top-coated and/or finished. With these two issues, this basically puts this case under the new subdivision regulations that were recently adopted, which means the Commission can have the builder build the sidewalks or pay the in-lieu fee (in accordance to section 2-6.1b of the new Subdivision Regulations). She also stated that the developer has the option to either adhere or not adhere to the new regulations. She stated that if the developer chooses not to adhere, the Commission can still require that the sidewalks be built.

The Commission discussed briefly whether the \$18,000 that would be provided to the Home Owners Association to be used to add a sidewalk on Old Harding Pike and build a wall at the entrance of the subdivision could be considered as the "in lieu fee".

Ms. Jones expressed her issues and concerns with requiring the builder to construct sidewalks within the subdivision. She was in favor of placing sidewalks in front of the subdivision that would enhance the existing neighborhood with the rest of the community.

Mr. Loring spoke in favor of the sidewalk variance due to the overwhelming support from the neighbors.

Ms. Nielson clarified that the Public Works department must review and approve the plans for the sidewalks and the proposed wall at the entrance of the Magnolia Hills subdivision.

Mr. McLean expressed concerns on whether approval from homeowners for a sidewalk to be built on the public right-of-way was necessary.

Mr. Clifton arrived at 6:45 p.m.

Mr. Clifton summarized the issues the Commission was currently discussing. He stated that he would not be voting on this issue due to the fact that he has not heard the entire presentation.

The Commission continued a brief discussion regarding the options available to the developer and the conditions that the Commission could place on the development to insure the best possible outcome for the development.

Mr. Tyler expressed concerns regarding the final inspections of development sites.

Mr. Ponder expressed concerns with the issue of whether there will be enough funds in place to build a proper sidewalk at the entrance of the subdivision.

Mr. Loring moved and Ms. Jones seconded the motion, to approve the request for a sidewalk variance of final plat 2004S-286G-06, with the condition that the applicant construct a sidewalk on Old Harding Road from the entrance

to the subdivision to Harpeth Valley Elementary; the applicant shall prepare plans and have them approved by the Homeowners Association and then submit the plans to Metro Public Works for their approval. The applicant shall spend up to \$18,000 to construct the sidewalk, and if there is a portion remaining after the sidewalk is constructed, then the applicant shall use those funds to construct a wall at the entrance of the subdivision. **(8-0)**

**Resolution No. RS2004-381**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-286G-06 is **APPROVED. (9-0)**”

**IX. PUBLIC HEARING:  
ZONING MAP AMENDMENTS AND ZONING CODE TEXT AMENDMENTS**

**5. 2004Z-020T**  
Council Bill BL2004-408

A request to amend various sections of the Metro Zoning Code relative to facilitating the appropriate placement and design of two-family dwelling units, requested by the Metro Planning Department.

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

**REQUEST** - Amend Zoning Code to facilitate the appropriate placement and design of two-family structures by regulating minimum lot size, setbacks, eligibility of lots for two-family structures and design of two-family structures.”

**BACKGROUND** - In recent years, Metro Councilmembers have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raise concerns about increased traffic and increased on-street parking caused by concentrations of two-family structures. Residents also express concerns that the over-concentration of two-family structures and lack of upkeep of the structures might affect the neighborhood’s character and property values.

Some Councilmembers have responded to these concerns by undertaking mass rezonings of portions of their districts from “R” zoning (which allows for single- and two-family structures) to “RS” zoning (which only allows for single-family structures).

While mindful of residents’ concern, the Planning Department maintains that it is crucial to keep two-family structures in Nashville/Davidson County’s housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need.

**ANALYSIS**

**Existing Law** - Currently, the Zoning Code is vague on the value and desirability of two-family structures in the R districts. While the Code does not specifically champion two-family structures, neither does it limit the concentration of two-family structures, nor does it address design issues surrounding two-family structures.

**Proposed Text** - The proposed changes to the Zoning Code affirm the value and desirability of two-family structures while addressing concerns about over-concentration of two-family structures and lack of design control on two-family structures.

**Section 17.08.020B 2 (“One and Two-Family (R) Districts”)** would be amended by adding the following language (in italics):

2. One and Two-Family (R) Districts. The R districts are intended for established residential subdivisions where the pattern of development contains both one-and two-family structures and where maintaining a mixture of housing types is desirable. These districts may also be applied to establish new residential subdivisions with single- and two-family character in developing areas at densities recommended in the

general plan where this mix of structures is desirable. A low to moderate proportion of two-family structures in a non-concentrated development pattern is desirable and intended in these districts.

**Section 17.12.020A (“District Bulk Tables: Single-Family and Two-Family Dwellings”)** is amended to require that in zoning districts R15, R10, R8, and R6, the minimum lot size for two-family structures be 120 percent of the minimum lot size for single-family structures. This text change addresses the concentration issue, by limiting the number of parcels eligible for two-family structures. It also serves to reduce the likelihood that a two-family structure will look “crowded” onto a smaller lot.

The ordinance that has been filed in the Council includes exception to the minimum lot size requirement. The minimum lot size requirement was not to apply to lots legally platted prior to the effective date of the ordinance and recorded in the office of the county register. After discussion with stakeholders, staff has agreed to remove this exception. An amendment has been drafted that will delete this exception.

**Section 17.12.030A (“Street Setbacks: Street Setbacks for Single and Two-Family Structures”)** would be amended require the same street setbacks for two-family structures as for single-family structures.

**Section 17.16.030D** would be deleted in its entirety and replaced with the following text which addresses concentration of two-family structures by regulating eligibility of lots for two-family structures and addresses the design of two-family structures built by providing basic design standards.

Changes to address concentration of two-family structures

Old Zoning Code	Proposed Text
Makes no distinction between two-family structures on corner or non-corner lots.	Encourages two-family structures on <b>corner lots</b> with design standards that require the two units to face the two different streets, creating to the appearance of two single-family structures.
Maximum concentration of two-family structures only in newly platted subdivisions cannot exceed 25 percent.	<p>On non-corner or “interior” lots,</p> <p>Maximum concentration of two-family structures in any subdivision cannot exceed three (3) two-family structures per same block face or 20 percent of the total, non-corner lots on the block face whichever figure is less.</p> <p>Lots that currently have multi-family housing on them (three dwelling units or more) count as two-family units when calculating the number of current two-family structures to determine the eligibility of remaining lots. This is an amendment the Planning Department has added to the originally filed Zoning Code text change.</p> <p>Furthermore no non-corner lot shall be eligible for a two-family structure on a block face with four or fewer non-corner lots.</p> <p>In no case shall there be more than a maximum of four (4) two-family structures on the complete block face (including corner lots).</p> <p>Finally, two-family structures may not be placed on contiguous lots.</p>

Changes to address design of Two-Family Structures

- Design Standards for Two-Family Structures on Corner Lots –
- If more than one entrance, then entrances shall face different streets,
- If more than one driveway, then driveways shall face different streets, and

- If one or more garages is proposed, and the garages are proposed to face the street, then the garages shall face different streets and shall be recessed from the front façade of the building by 5 ft.

Design Standards for Two-Family Structures on Non-Corner Lots –

- If more than one entrance to the structure is proposed, one, and only one entrance, shall face the street. The other entrance shall be concealed from view of the street. This represents an amendment to the original bill filed with Council, which current state that one entrance **may** face the street.
- The lot shall have only one curb cut, and
- If more than one garage is proposed, only one shall face the street, and it shall be recessed from the front façade of the building by 5 ft.

Finally, driveway access to the street shall not be permitted for any lot served by an improved alley or rear lane, unless more than 50% of the lots along the same block face have driveway access to the street.

**RECOMMENDATION** - Staff recommends approval of the Zoning Code text change with the amendments, noted here, to the original ordinance. A complete copy of the proposed ordinance, and the proposed amendments to the ordinance, are attached following this staff report.

Ms. Carlat presented and stated that staff is recommending approval with conditions of the Zoning Code text change including the three amendments that will be presented to the Commission.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in support of the zoning code text amendment.

Mr. Frank Engler, 304 Ellington Avenue, spoke in support of the zoning code text amendment.

Mr. Tommy Lee, 906 Tower Place, spoke in opposition to the proposed text amendment.

Mr. Ponder spoke in favor of the proposed text amendment.

Mr. Clifton stated that the proposed amendment is a great approach to the issues currently facing the Commission. He stated that there are needs to other housing options in Davidson County.

Mr. McLean suggested that a historic overlay be used when other communities are looking to maintain the integrity of their neighborhoods.

Ms. Nielson requested further clarification on the lot sizes and the ability to rebuild on lots that would be included in RS rezonings.

Mr. Small complimented staff on the work put into text amendment. He questioned whether the size of a replacement structure was addressed in the amendment.

Ms. Hammond stated that the amendment mainly addresses the issue of the number of two-family housing units that should be included in specific areas and it applies a basic design plan for the structures.

Mr. Small then inquired as to whether this amendment will put an end to the communities and the councilpersons requesting mass rezonings from R to RS.

Mr. Lawson offered that this is another tool that the Commission can offer to the Council when they are faced with the issue of mass rezonings.

A discussion ensued regarding the proposed text amendment and its affect on the size of the replacement structures when developers choose to rebuild on lots and whether the amendment will need additional work to address this issue.





**APPLICATION DETAILS** - Section 17.40.360 of the Metro Code states: “Not more than sixty days after filing, the board of zoning appeals shall hold a public hearing on an application for a variance. Notice of such public hearing shall be given pursuant to Article XV of this chapter. Testimony and evidence material to the review standards or requirements of Sections 17.40.370 or 17.40.380 may be considered by the board in its deliberations.”

Councilmember Wallace has proposed to amend that section by adding this sentence: “Notwithstanding the foregoing provisions of this section to the contrary, if the department of codes administration has issued a citation for a violation of this title, no public hearing shall be held by the board of zoning appeals until all court proceedings regarding said citation have been resolved.”

Under this new language, when a property owner is cited by the Codes Department for a violation, the owner would be unable to present their case to the Board of Zoning Appeals until all court proceedings related to the citation are resolved.

Property owners are cited by the Zoning Administrator when their property is found to be in violation of a provision in the Metro Zoning Code. According to BZA staff, some property owners who are cited for violations decide to apply to the BZA for a variance, which allows the BZA to approve the condition that gave rise to the citation. According to BZA staff, the BZA often is able to resolve these issues, which allows the court proceeding to be dismissed.

For example, a property owner who has constructed a deck that extends slightly into a required setback would be cited by the Zoning Administrator and ordered to remove the offending portion of the deck. Most property owners in this situation apply to the BZA for a variance to allow the setback encroachment. Under the proposed ordinance, however, the BZA would not be able to hold a public hearing and vote on the variance until any court proceedings related to the citation were resolved.

**Staff Recommendation** - The staff of the Board of Zoning Appeals recommends that the Planning Commission recommend disapproval of this ordinance. Because the ordinance concerns solely procedural issues related to the BZA, Planning Staff endorses the BZA staff recommendation and also recommends disapproval.

Approved staff recommendation to DISAPPROVE. (9-0), *Consent Agenda*

**Resolution No. RS2004-383**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-022T is **DISAPPROVED. (9-0)**”

8. **2004Z-123U-12**  
Map161, Parcels 101-103, 105,107,112, 189  
Map 162, Parcels 78-82  
Subarea 12 (2004)  
District 31 (Toler)

A request to change from SCR, CN, and AR2a to CL district property at Old Nolensville Rd. (unnumbered), 270 Cedarview Drive, 5816 Nolensville Pike. #101, 5808 Old Nolensville Pike., Nolensville Pike. (unnumbered),and 5830 Nolensville Pike, (43.98 acres), requested by Gresham Smith & Partners, applicant for James E. Freeman, Marion Watkins, Peter Tolliver, Jr., Deborah Whittaker, Holly and Tom Rader, Dennis Brandon, Howard & Patsy Claude, Theresa J. Comer and Armelda Comer-Cain, Frederick and Lucinda Burbach, and M. R. Bess, owners. (See

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

**APPLICANT REQUEST** - Rezone a total of 43.98 acres from Shopping Center Regional (SCR), Commercial Neighborhood (CN), and Agricultural/residential (AR2a) to Commercial Limited (CL) district at Old Nolensville Road (unnumbered), 270 Cedarview Drive, 5816 Nolensville Pike #101, 5808 Old Nolensville Pike, Nolensville Pike (unnumbered), and 5830 Nolensville Pike.

### **Existing Zoning**

**CN district: (0.60 acres)** - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

**SCR district: (24.46 acres)** - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**AR2a district: (18.92 acres)** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

### **Proposed Zoning**

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

## **SOUTHEAST COMMUNITY PLAN POLICY**

**Retail Concentration Super Community (RCS) Policy** - Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

**Policy Conflict** - No. The proposed CL district is consistent with the Southeast Community Plan's RCS policy calling for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment.

**Staff Recommendation** - Staff recommends approval of the CL district since it is consistent with the Subarea Plan policy for this area. At the September 23, 2004, meeting, the Commission was concerned about the potential possible uses within the CS district. The applicant has revised their application to CL, which would limit the uses to moderate commercial uses and would exclude the possibility of uses such as auto-repair, auto-sales, and mini-storage warehouse.

The Commission was also concerned about the street-connectivity issues from the existing residential stub-streets behind this site (Cedar Valley Drive, Cedarview Dr., and Cedar Hill Court). With the adoption of the new Southeast Community Plan policy for this site, the possibility of the residential street connections through commercial area is no longer practical. The large hill in this area, and a stream running through this area, also limits the potential connections between the commercial and residential area since there would be a significant grade difference between the commercial site and the residential behind it.

**RECENT REZONINGS** - Yes, the Planning Commission approved CS on September 23, 2004, with a condition that a Planned Unit Development be submitted to accompany the zone change prior to third reading at Council.

## **TRAFFIC: PUBLIC WORKS' RECOMMENDATION**

### **AT Swiss Ave/ Nolensville Rd intersection**

1. Reserve 1/2 of U 6 ROW (108/2) and also ROW for 12ft wide NB right turn lane along Property frontage from Swiss Ave south to southern property line.
2. Provide cross access easement to northern property. Access feasibility to OHB between the portion of site with OHB frontage and the Supercenter portion will be determined at site plan development.
3. Provide cross access easement to southern adjacent property to allow access between properties. Site plan shall be designed to allow such a cross access.

4. Developer shall modify the center turn lane to a dedicated Southbound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
5. Developer shall install a signal or modify any signal, which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system. Metro will provide Synchro data files of the existing system to be utilized by the Engineer in preparation of the timing plans.
6. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage.
7. Install pavement markings for a left turn lane and thru/right turn lane on Swiss Ave.
8. Install a Northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd. at Swiss Ave/Driveway access.

**At south driveway /Nolensville Rd intersection**

1. Developer shall install a southbound left turn lane on Nolensville with 300 ft of storage and transition per AASHTO standards.
2. Driveway shall include 2 exit lanes with 125 ft of storage and 1 entering lane.
3. Access to fuel center shall be located a minimum of 125 ft from intersection.
4. Install northbound Right turn lane on Nolensville with 100 ft of storage and transition per AASHTO standards in order to allow safe operation for truck route. (speed is 45mph)

**Additional site conditions**

1. Install parking spaces required by code.
2. Document that adequate turning movements are possible for passenger and truck vehicles at driveways and on site. Use standard Metro driveway ramps for southern driveway.

**Typical Uses in Existing Zoning District: SCR**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	19.34	0.139	117,100	7526	173	696

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	24.04	0.5	12	115	9	13

**Typical Uses in Existing Zoning District: CN**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Fast Food Rest. With Drive-Thru (934)	0.6	.079	2,065	1025	110	72

**Typical Uses in Proposed Zoning District: CL**

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Free- standing discount store (815)	43.98	0.125	239,471	13416	202	1212

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				4,750	-90	431

**Maximum Uses in Existing Zoning District: SCR**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820 )	19.34	1.0	842,450	27,147	868	2556

**Maximum Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210 )	24.04	0.5	12	115	9	13

**Maximum Uses in Existing Zoning District: CN**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office park (750 )	0.6	0.25	6,534	478	12	10

**Maximum Uses in Proposed Zoning District: CL**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	43.98	0.60	1,149,461	33,224	1184	3137

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5484	295	558

**CONDITIONS**

- The traffic conditions listed under the Public Works Recommendation shall be included in the bill. **If the conditions are not made part of the Council Bill, the recommendation is to disapprove.**

[NOTE: Items #8 and #9 were discussed by The Metropolitan Planning Commission together. See item #9 for actions and resolutions.]

- 15-85-P-12**  
 Bell Trace Plaza Commercial Pud  
 Map 161, Parcel 101-103, 112, 189  
 Subarea 12 (2004)  
 District 31 (Toler)

Request to cancel a 16-acre portion of an existing, partially-completed, commercial Planned Unit Development as part of an associated rezoning request, where the property is located along the east side of Nolensville Pike and directly across from Swiss Avenue, as requested by Gresham Smith & Partners, applicant, for various property owners. (See Zone Change 2004Z-123U-12)

**Staff Recommendation** *Approve*

**APPLICANT REQUEST - Preliminary PUD**

Request to cancel a 16 acre portion of a Commercial PUD located along the east side of Nolensville Pike, opposite Swiss Avenue approved for 132,288 square feet of retail, restaurant, and movie theater uses.

**PLAN DETAILS**

**Site Design & Access** - The original Council-approved plan for the portion of the PUD proposed to be cancelled included a shopping center layout for a movie theater, a grocery store, a drug store, several general retail tenant

spaces and a fast-food restaurant outparcel. The plan includes 132,288 square feet of commercial uses on this portion of the PUD.

#### **ZONING & LAND USE POLICY**

**CN zoning: (0.60 acres)** - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

**SCR zoning: (15.4 acres)** - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**Retail Concentration Super Community (RCS) Policy** - Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

**Policy Conflict** - No. The proposed CL district is consistent with the Southeast Community Plan's RCS policy calling for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment.

**TRAFFIC--PUBLIC WORKS' RECOMMENDATION** - A Traffic Impact Study was required, but was not submitted by the applicant in time to be reviewed and included in this staff report.

#### **CONDITIONS**

1. Prior to 3<sup>rd</sup> Reading by the Metro Council, the Traffic Impact Study must be approved by Metro Public Works. If the conditions are not made part of the Council Bill for Zone Change Proposal No. 2004Z-123U-12, the recommendation is to disapprove.

Mr. Leeman presented and stated that staff is recommending approval with conditions on Zone Change #2004Z-123U-12, as well as approval of the request to cancel the 16-acre portion of an existing Planned Unit Development (Item 15-85-P-12). Mr. Leeman further noted on the record that the site contains regulated floodway and floodplain, so it will be subject to greenway and floodplain protection requirements when it is developed.

Mr. Tom White, attorney spoke in support of the zone change and cancellation of the PUD.

Mr. Don Lund, 5802 Nolensville Road, spoke in opposition to the zone change request.

Mr. Howard Claude, 6210 Nolensville Road, spoke in support of the proposed zone change.

Mr. George Benham, 537 Michelle Drive, spoke in opposition to the proposal. He stated that he submitted a petition of opposition to Marilyn Swing, Metro Clerk.

A resident of 613 Cedar Hill Court spoke in opposition to the proposal.

Mr. Ponder spoke in support of the proposal and mentioned that the development enhance the area as well as the traffic in the area.

Mr. Clifton spoke in favor of the zone change. He expressed a concern regarding the stormwater issues that will be addressed as the final plans are submitted in the future.

Mr. Small expressed a concern regarding the zone change from CS to CL and wanted to make sure that the uses will eliminate those uses that were unwanted in this area.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve with conditions Zone Change #2004Z-123U-12, as well as approve the request to cancel the 16-acre portion of an existing Planned Unit Development (Item 15-85-P-12). **(9-0)**

**Resolution No. RS2004-384**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-123U-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

**AT Swiss Ave/ Nolensville Rd intersection**

1. Reserve 1/2 of U 6 ROW (108/2) and also ROW for 12ft wide NB right turn lane along Property frontage from Swiss Ave south to southern property line.
2. Provide cross access easement to northern property. Access feasibility to OHB between the portion of site with OHB frontage and the Supercenter portion will be determined at site plan development.
3. Provide cross access easement to southern adjacent property to allow access between properties. Site plan shall be designed to allow such a cross access.
4. Developer shall modify the center turn lane to a dedicated Southbound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
5. Developer shall install a signal or modify any signal, which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system. Metro will provide Synchro data files of the existing system to be utilized by the Engineer in preparation of the timing plans.
6. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage.
7. Install pavement markings for a left turn lane and thru/right turn lane on Swiss Ave.
8. Install a Northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd. at Swiss Ave/Driveway access.

**At south driveway /Nolensville Rd intersection**

1. Developer shall install a southbound left turn lane on Nolensville with 300 ft of storage and transition per AASHTO standards.
2. Driveway shall include 2 exit lanes with 125 ft of storage and 1 entering lane.
3. Access to fuel center shall be located a minimum of 125 ft from intersection.
4. Install northbound Right turn lane on Nolensville with 100 ft of storage and transition per AASHTO standards in order to allow safe operation for truck route. (speed is 45mph)

**Additional site conditions**

1. Install parking spaces required by code.





**Policy Conflict** - No. The proposed zoning district (OL) allows moderate intensity office uses, and this is consistent with the Special Policy Area 8 policy.

**RECENT REZONINGS** - None.

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

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density per acre	Total Dwelling units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	1.8	3.7	7	67	6	8

Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (210)	1.8	0.201	15,760	173	24	24

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

Land Use (ITE Code)	Acres	--	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				106	18	16

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density per acre	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	1.8	3.7	7	67	6	8

Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk-In Bank ( )	1.8	0.75	58,806	NA	1264	2471

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					1258	2463

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

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve Zone Change 2004Z-134U-12. **(9-0)**



**BORDEAUX – WHITES CREEK COMMUNITY PLAN POLICY**

**Commercial Mixed Concentration (CMC)** - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Policy Conflict** - No. The proposed MUL district is consistent with the CMC policy, which is intended for residential, office and commercial uses at a medium-high to high density.

Currently, Scruggs Lane is an unbuilt right-of-way and the only direct access is from West Trinity Lane and Artic Avenue. Metro Public Works will require a Traffic Impact Study at the development stage. The Traffic Impact Study will determine if Scruggs Lane will be required to be constructed for access purposes to this site.

**RECENT REZONINGS** - Parcel 072, immediately adjacent to the east, was rezoned to MUL in August 2004, by the Metro Council. The Planning Commission recommended approval in June 2004.

**TRAFFIC PUBLIC WORKS RECOMMENDATION** - A TIS will be required at development.

**Typical Uses in Existing Zoning District: CL**

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center 820()	13.59	0.184	108,924	460	113	409

**Typical Uses in Proposed Zoning District: MUL**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	13.59	0.184	108,924	460	113	409

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			0	0	0

**Typical Uses in Existing Zoning District: CL**

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	13.59	0.60	355,188	15836	366	1332

**Typical Uses in Proposed Zoning District: MUL**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	13.59	1.0	591,980	21419	610	2220

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			5583	244	888

**METRO SCHOOL BOARD REPORT**

**Projected student generation     58 Elementary   21 Middle     37 High**

**Schools Over/Under Capacity** - Students would attend Bordeaux Enhanced Option Elementary School, Ewing Park Middle School, and Whites Creek High School. Ewing Park Middle School has been identified as being over capacity by the Metro School Board. There is capacity at a middle school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

\*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq.ft. of floor area.

**CONDITIONS**

1. If this site develops as residential it has the potential to impact the public school system. If a subdivision plat or Planned Unit Development is submitted for residential development on this site, student generation shall be recalculated and the applicant may be required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-387**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-136U-03 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. If this site develops as residential it has the potential to impact the public school system. If a subdivision plat or Planned Unit Development is submitted for residential development on this site, student generation shall be recalculated and the applicant may be required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired.”

**The proposed MUL district is consistent with the Bordeaux-Whites Creek Community Plan’s Commercial Mixed Concentration (CMC) policy intended for medium-high to high density residential, office, and commercial uses. If the site develops as residential, it has the potential to impact the public school system. If a subdivision plat or Planned Unit Development is submitted for residential development on this site, student generation shall be recalculated and the applicant may be required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.”**

**13. 2004Z-137G-12**  
 Map 172, Parcel 64  
 Subarea 12 (2004)  
 District 31 (Toler)

A request to change from AR2a to RS10 district property at 6125 Mt. Pisgah Road., at the terminus of Bryce Road., (2.06 acres), requested by Kenneth L. Chumbley, applicant/owner, Genady Prutianov, owner.

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

**APPLICANT REQUEST** - Rezone 2.06 acres from agricultural/residential (AR2a) to residential single-family (RS10) district at 6125 Mt. Pisgah Rd., north of Bryce Rd.

**Existing Zoning**

**AR2a district** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for 1 home on this site currently.

**Proposed Zoning**

**RS10 district** - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 district allows for 8 homes on this site.

**SOUTHEAST COMMUNITY PLAN POLICY**

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

**Policy Conflict** - No. The proposed RS10 district is consistent with the Southeast Community Plan’s RLM policy in this area intended for residential development at a density of two to four dwelling units per acre. It is also consistent with the surrounding zoning pattern, with RS10 districts to the north and west of this property.

This property is within an infrastructure deficiency area regarding the widening of Edmonson Pike. Although these properties are not directly off of Edmonson Pike, they will use Edmonson as their primary access. Staff recommends that properties in this area have coordinated access shown with a development plan for the area.

**RECENT REZONINGS** Parcels 065, 180, and 199 were rezoned from AR2a to RS10 by the Metro Council in August 2003. The Planning Commission recommended approval in May 2003.

Parcel 172 was approved with conditions for a zone change request from AR2a to RS10 by the Commission on October 14, 2004.

**TRAFFIC** - No exception taken.

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.06	0.5	1	10	1	2

**Typical Uses in Proposed Zoning District: RS10**

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.06	3.7	8	77	6	9

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				67	5	7

**METRO SCHOOL BOARD REPORT**

Projected student generation      1 Elementary    1 Middle      1 High

**Schools Over/Under Capacity** - Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Overton has been identified as being over capacity by the Metro School Board. There is capacity at other high schools in the area (Glencliff, Hillsboro, and McGavock). This information is based upon data from the school board last updated January 16, 2004.

**CONDITIONS**

1. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.

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

**Resolution No. RS2004-388**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-137G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.

**The proposed RS10 district is consistent with the Southeast Community Plan’s Residential Low Medium (RLM) policy intended for residential development within a density range of two to four dwelling units per acre. This property is located within an infrastructure deficiency area regarding the widening of Edmondson Pike. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.”**

**14. 2004Z-138U-13**  
 Map 107, Parcel 76, 77, 152, 153  
 Subarea 13 (2003)  
 District 13 (Burch)

A request to change from RS10 and CL to CS district property at 727, 729, 733, and 739 Briley Parkway, south of Interstate 40, (12 acres), requested by John A. Hobbs, applicant for Hobbs & Sons, Inns of Nashville, and Aspen Tennessee, LLC, owners.(See PUD Proposal 40-71-G-13)

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST** - Rezone 12 acres from residential single-family (RS10) and commercial limited (CL) to commercial service (CS) district at 727, 729, 733, and 739 Briley Parkway.

**Existing Zoning**

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

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

**Proposed Zoning**

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

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY**

**Commercial Mixed Concentration (CMC)** - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Policy Conflict** - No. The proposed CS district is consistent with the Antioch-Priest Lake Community Plan’s CMC policy intended for various types of retail trade and highway oriented commercial services. Access shall not be permitted from Dabbs Avenue, which is mainly a residential street.

**RECENT REZONINGS** - None.

**TRAFFIC** - A TIS will be required at development.

**Typical Uses in Existing Zoning District: RS10/CL in existing Commercial PUD**

Land Use (ITE Code)	Acres	Rooms	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	12	250		1865	140	148

**Typical Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
OFFICE PARK (750)	12	0.42	219,542	2697	420	372

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			832	280	224

**Typical Uses in Existing Zoning District: RS10/CL in existing Commercial PUD**

Land Use (ITE Code)	Acres	Rooms	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	12	250	250	1865	140	148

**Typical Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	12	0.60	313,632	13468	324	1177

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			11603	184	1029

**CONDITIONS**

- No access to Dabbs Avenue shall be permitted for commercial uses.

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

**Resolution No. RS2004-389**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-138U-013 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

- No access to Dabbs Avenue shall be permitted for commercial uses.

**The proposed CS district is consistent with the Antioch-Priest Lake Community Plan’s Commercial Mixed Concentration (CMC) policy intended medium-high to high density residential, office and retail uses. Access shall not be permitted from Dabbs Avenue.”**

- 40-71-G-13**  
 Hobbs Heights  
 Map 107, Parcel 76, 77, 152, 153  
 Subarea 13 (2003)  
 District 13 (Burch)

A request to cancel the Commercial Planned Unit Development district located at 729, 733, 727, and 739 Briley Parkway located at Briley Parkway and Dabbs Avenue, classified RS10 and CL, (12.02 acres), requested by Inns of Nashville, Aspen Tennessee, LLC, and Hobbs and Sons, L.P., owners.(See Zone Change Proposal 2004Z-138U-13)



**Staff Recommendation - Approve**

**APPLICANT REQUEST - Cancel PUD**

Request to cancel a 12 acre Commercial Planned Unit Development district that was adopted by Metro Council for hotel and retail uses. Located along the west side of Briley Parkway at Dabbs Avenue.

**Existing Zoning**

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

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

**Proposed Zoning**

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

**TRAFFIC** – A TIS will be required at development.

**COMMENTS**

*Zoning* - The CS zoning district is consistent with the land use policy in this area.

*Access* - No access to Dabbs Avenue for commercial uses should be permitted.

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

**Resolution No. RS2004-390**

“BE IT RESOLVED by The Metropolitan Planning Commission that 40-71-G-13 is **APPROVED. (9-0)**”

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16. **2004Z-139G-12**  
Map 181, Parcel 44  
Subarea 12 (2004)  
District 31 (Toler)

A request to change from AR2a to RM9 district property at 6614 Nolensville Pike., approximately 140 feet south of Autumn Oaks Drive, (7.7 acres), requested by John Hays, applicant for Jesse M. Roland, owner.

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-139G-12 to November 11, 2004 at the request of the applicant. (9-0)**

- 
17. **2004Z-140U-10**  
Map 132-01, Parcel 31  
Subarea 10 (1994)  
District 25 (Shulman)

A request to change from R20 to R10 district property at 4115 Lealand Lane, approximately 400 feet south of Greerland Drive, (1.76 acres), requested by Scott Morgan, applicant/owner, James Halloran, owner.

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-140U-10 to November 11, 2004 at the request of the applicant. (9-0)**

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**18.** **2004Z-141U-10**  
Map 131-08, various Parcels  
Map 132-05, various Parcels  
Subarea 10 (1994)  
District 25 (Shulman)

A request to change from R20 to RS20 district property at properties located along Tower Place, Outer Drive, Savannah Place., Dale Avenue., Coral Road., Gary Oaks Drive, Lealand Lane., and General Bate Drive, (60.88 acres), requested by Councilmember Jim Shulman, applicant for various owners.

**Staff Recommendation** - Defer to allow Metro Council to consider proposed text amendment to regulate location of two-family homes.

**APPLICANT REQUEST**-Rezone 60.88 acres from residential (R20) to residential single-family (RS20) district properties located along Tower Pl., Dale Ave., Coral Rd., Gary Oaks Dr., Lealand Ln., and General Bate Dr., Savannah Pl, and Outer Dr.

**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**

**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.

**SUBAREA 10 PLAN POLICY**

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

**Policy Conflict** - Staff has previously taken the position that the Commission should not approve any further mass rezonings of property from R to RS until a text amendment can be considered to address the location of two-family dwellings. A text amendment has been prepared by staff and filed with the Metro Council. The bill is scheduled for public hearing at the Council on November 4. Staff recommends that the Commission defer this application to allow the Council to consider the proposed text amendment.

Out of the 118 properties, there are 14 two-family dwellings, 3 vacant lots, and the remaining lots are single-family dwellings.

The 14 two-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states that “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

**RECENT REZONINGS** - None

**TRAFFIC** - No Exception Taken.

**METRO SCHOOL BOARD REPORT** - This rezoning is not expected to have a significant effect on student generation projections.

Ms. Harris presented and stated that staff is recommending to defer this application to allow Metro Council to consider the proposed text amendment to regulate the location of two-family homes.

Councilmember Shulman stated that there are two lots that need to be added to the map. He stated that the homeowners of these lots signed the petition but somehow were not included on the map. He wanted to make sure that they are included as well.

Mr. Lawson stated that Councilmember Shulman should submit the information regarding these two lots to the Planning Commission.

Councilmember Shulman stated that the Council is working on a comparability bill to work on the issues regarding the mass rezonings. He stated that it is the integrity of the neighborhoods that his community members are wanting to preserve.

Mr. Fred Pierson, 4320 Dale Avenue, spoke in favor of the proposal.

Mr. Tommy Lea, 906 Tower Place, spoke in support of the proposed zone change.

Mr. Marty York, 916 Tower Place, spoke in support of the proposed zone change.

Mr. Steve McLean, 915 Tower Place, spoke in support of the proposed zone change.

Ms. Jill Block, 4132 Outer Drive, spoke in support of the proposed zone change.

Ms. Ginger Burn, 4323 Ginger Lane, spoke in support of the proposed zone change.

Ms. Martha Thompson-Elder, 4203 Lealand Lane, spoke in support of the proposed zone change.

Ms. Amy Schmidt, 4215 Lealand Lane, spoke in support of the proposed zone change.

Mr. Richard Gardner, 4300 Dale Road, spoke in support of the proposed zone change.

Mr. Dennis Sheffield 1012 Glendale Lane, spoke in support of the proposed zone change.

Mr. Jesse Tate spoke in support of the proposal.

Mr. Loring spoke in favor of supporting this proposed zone change. He commended Councilmember Shulman for his work in representing his community.

Ms. Jones stepped out of the meeting.

Mr. Small stated he was in favor of approving this zone change even though the Commission approved the text amendment earlier in the meeting. He stated that the amendment would not address the issue of what the residents are trying to accomplish with the zone change.

Ms. Nielson spoke of the uniqueness of the neighborhood. She requested that staff prepare an analysis of the area to see how the text amendment would apply with regard to percentages, lot sizes, etc.

Mr. McLean expressed concerns regarding the zone change. He stated he understood the position of the residents and suggested that maybe a historic overlay would accomplish the needs of the neighborhood.

Mr. Clifton mentioned the earlier action taken on the text amendment. He stated that the rezoning to RS will not address the issues the residents are faced with. He acknowledged the uniqueness of the neighborhood, although he was not in favor of the rezoning.

Mr. Ponder requested clarification regarding the lots that were not included in the proposed mass rezoning and how they would fit into the zone change request. He expressed support of the zone change request.

Mr. Ponder moved and Mr. Loring seconded the motion to approve Zone Change 2004Z-141U-10, to include the two contiguous lots that were inadvertently omitted from the original report submitted. **7-1 (No Vote – Clifton) Ms. Jones did not participate in the discussion, nor did she vote.**



Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.39	0.419	25,369	465	63	108

Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.39	0.497	30,092	529	72	113

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			64	9	5

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	1.39	0.8	48,439	NA	1041	2036

Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	1.39	3.0	181,645		3904	7633

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--				2863	5397

**METRO SCHOOL BOARD REPORT**

Projected student generation      8 Elementary    5 Middle      5 High

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

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

**Resolution No. RS2004-392**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-142U-10 is **APPROVED. (9-0)**

**The proposed ORI district is consistent with the Subarea 10 Plan’s Mixed Use (MU) policy intended for a moderately high intensity mixture of residential, retail, and office uses. It is also consistent with the zoning pattern in the area.”**

**20. 2004Z-143U-10**  
Map 104-3, Parcel 48, 51, 63, 66, 257  
Subarea 10 (1994)  
District 18 (Hausser)

A request to change from CL to MUG district property at 106 28th Ave. S., 2707, 2609, 2611, and 2613 West End Ave., east side of Natchez Trace, (5.92 acres), requested by Margaret L. Behm, Dodson, Parker & Behm, P.C., applicant, Margaret Ann Warner, Natchez West, LLC, and Edwin B. Raskin, owners.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 5.92 acres from commercial limited (CL) to mixed use general (MUG) property at 106 28<sup>th</sup> Avenue South, 2707, 2609, 2611, and 2613 West End Avenue, east of Natchez Trace.

**Existing Zoning**

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

**Proposed Zoning**

**MUG district - Mixed Use General** is intended for a moderately high intensity mixture of residential, retail, and office uses.

**SUBAREA 10 PLAN POLICY**

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

**Policy Conflict** - No. The proposed zoning district (MUG) is consistent with the MU policy, which is intended for a moderately high intensity mixture of residential, retail, and office uses. It is also consistent with the zoning pattern in the area.

**RECENT REZONINGS** - None.

**TRAFFIC PUBLIC WORKS RECOMMENDATION** - A TIS will be required at development.

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	0.47	121,201	1547	221	215

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	1.851	477,326	4448	655	614

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			2901	434	399

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	0.6	154,725	1867	266	253

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	3.0	773,625	6445	963	946

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			4578	697	693

**METRO SCHOOL BOARD REPORT**

Projected student generation      32 Elementary    22 Middle      20 High

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

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

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-393**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-143U-10 is **APPROVED. (9-0)**

**The proposed MUG district is consistent with the Subarea 10 Plan’s Mixed Use (MU) policy intended for a moderately high intensity mixture of residential, retail, and office uses. It is also consistent with the zoning pattern in the area.”**

- 
21. **2004Z-144G-06**  
Map 114, Parcel 209, 213, and 329  
Subarea 6 (2003)  
District 23 (Whitson)

A request to change from R10 to RM15 district property at 7301 Sonya Dr. and Sonya Dr. (unnumbered), east of Old Hickory Boulevard, (13.32 acres), requested by CCH Partners, G.P., applicant/owner.

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-144G-06 to November 11, 2004 at the request of the applicant. (9-0)**

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**X. FINAL PLATS**

22. **97S-014U-03**  
Forest Vale Subd.  
Map 059-01, Parcel 28-34  
Subarea 3 (2003)  
District 1(Gilmore)

A recommendation from the Metropolitan Department of Law to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal's Lane (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. The original plat was approved without the required sewer line extension being built or properly bonded.

**The Metropolitan Planning Commission DEFERRED Final Plat 97S-014U-03 to December 9, 2004 at the request of the applicant. (9-0)**

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23. **2004S-285U-11**  
Cato Bass  
Map 119-07, Parcel 1  
Subarea 11 (1999)  
District 16 (McClendon)

A request for final plat approval to create 4 lots abutting the eastern side of Old Glenrose Avenue and the CSX railroad (3.33 acres), classified RS10 district, requested by Cato Bass, owner and H & H Land Surveying, surveyor.

Ms. Fuller presented and stated that staff is recommending disapproval as submitted, but would recommend approval with conditions if lots 3 and 4 were condensed into one lot.

Ms. Janice Frizell, 121 Stirtol Road, spoke in opposition to the proposal.

Mr. Cato Bass, owner, spoke in support of the proposal.

Ms. Neilson moved and Mr. Ponder seconded the motion, which was passed unanimously to defer Final Plat 2004S-285U-11 to December 9, 2004 at the request of the applicant to allow additional time for the staff and the owner of the property to work through the issues regarding this proposal. **(9-0)**





25.

**2004S-308U-05**  
514 Maplewood Lane  
Map 61-05, Parcel 15  
Subarea 5 (1994)  
District 8 (Hart)

A request for final plat approval to create 3 lots abutting the southeast corner of Maplewood Lane and Maple Place (1.28 acres), classified within the RS15 District, requested by AMC Mortgage Company, Inc., owner, William M. Keel, surveyor.

**Staff Recommendation** - *Disapprove*

**APPLICANT REQUEST - Final Plat**

This request is for final plat approval to subdivide one parcel with 1.28 acres into three single-family lots, located along the south side of Maplewood Lane, between Maplewood Place and Lemont Drive.

**ZONING**

**RS15 District** - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

**SUBDIVISION DETAILS**

The applicant is requesting to create three single-family lots along the south side of Maplewood Lane, including a variance to the Lot Comparability standards. The lots are proposed to have 18,666, 18,690 and 18,678 square feet with frontages of 66.57 feet respectively.

**Lot Comparability Variance** - Section 2-4.7 of the Subdivision Regulations requires lots to be comparable in size and frontage to the surrounding lots within 300 feet. The lot comparability analysis yielded a minimum lot size requirement of 34,703 square feet and a minimum frontage requirement of 124.17 feet. The regulations typically require all adjacent lots to be used in the analysis, except when the lots are smaller than their zoning requirement. In this case, the lots in the adjacent PUD are smaller than the RS15 base zoning, so they were not counted in the analysis.

The applicant has requested a variance to these standards indicating that the property is 1.28 acres with RS15 zoning, located in an older neighborhood where lot sizes far exceed the current zoning. The applicant also states that this subdivision would offer a reasonable transition between the RS10 PUD and the larger lots to the north.

**Subarea Policy** - A lot comparability waiver is not permitted in this case since none of the criteria to grant the waiver are being met. This property falls within the Subarea 5 Plan's Residential Medium Policy calling for 4 to 9 dwelling units per acre. The proposed 3 lot subdivision has a density below what the policy calls for at 2.3 dwelling units per acre.

Staff has also considered reducing the number of lots from three lots to two lots, but this would still create one lot that does not meet the lot comparability standards.

**4:1 Variance** - The proposed plat also requires a variance to the 4:1 rule in the Subdivision Regulations (Section 2-4.2E), which requires the lot width to be not less than 25% of the average lot depth. Since no hardship has been identified, staff recommends disapproval of this variance request.

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken.

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

Mr. Marlin Keel, 2110 Blair Boulevard, spoke in support of the variance.



**PUBLIC WORKS RECOMMENDATION - No Exception Taken.**

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-396**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-310A-11 is **APPROVED. (9-0)**”

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

27. **103-80-U-12**  
Barnes Crossing (Formerly Monte Carlo Square)  
Map 173, Parcel 116  
Subarea 12 (2004)  
District 31 (Toler)

A request for final plan approval for the Residential Planned Unit Development district located at Barnes Road (unnumbered) along the north side of Barnes Road, opposite Barnes Cove Drive, classified R10, (43.03 acres), to permit 278 townhomes, requested by Anderson-Delk and Associates, Inc, for Vernon Williams, III, Trustee.

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

**APPLICANT REQUEST - Final PUD**

Request to allow for the development of 278 townhome units. The 43-acre site is located along the north side of Barnes Road, approximately one-third of a mile east of Nolensville Pike.

**PLAN DETAILS**

**History** - This residential PUD was originally adopted by the Metro Council in 1980 (BL80-271) and allowed for the development of 280 multi-family units. A revision to the PUD was approved by the Commission on July 8, 2004, to allow for 278 townhome units.

**Access** - The proposed drive is off of Barnes Road with no connections to adjacent properties since the drives throughout the site are private.

**Sidewalks** - A sidewalk variance was approved by the Commission on July 8, 2004, that allows for a 5-foot wide public pedestrian access easement to be constructed by the developer outside of the public right-of-way.

**METRO PUBLIC WORKS' RECOMMENDATION**

1. Turn lane plans need to be revised.
2. Vegetation east and west of access driveway shall be removed for adequate sight distance of 335 feet.

**STAFF RECOMMENDATION** - Staff recommends approval with conditions. The final PUD is consistent with the revised preliminary PUD approved by the Commission on July 8, 2004.

**CONDITIONS**

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

1. Fire hydrants shall flow at least 1250 GPM's at 40 psi.
2. No SDR21 PVC pipe shall be used for any Fire Main.
3. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2004-397**

“BE IT RESOLVED by The Metropolitan Planning Commission that 103-80-U-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Turn lane plans need to be revised.
2. Vegetation east and west of access driveway shall be removed for adequate sight distance of 335 feet.
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.
  - Fire hydrants shall flow at least 1250 GPM's at 40 psi.
  - No SDR21 PVC pipe shall be used for any Fire Main.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

**28. 27-87-P-03**  
 Creekside Trails, Phase 4 & 5  
 Map 58, Parcel 16  
 Subarea 3 (2003)  
 District 1 (Gilmore)

A request for final approval for 2 phases of the Residential Planned Unit Development district located along the west side of Eaton's Creek Road, north of Cato Road, classified RS15, (11.96 acres), to develop 35 single-family lots, requested by The Laine Company, Engineer's, for Eaton's Creek Real Estate Investor Fund, LLC, owner.

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST - Final PUD**

Request for a Final PUD approval for Phase IV to permit 35 single-family lots, and Phase V to permit 36 single-family lots, the property is located along the west side of Eaton's Creek Road and north of Cato Road.

**PLAN DETAILS**

The plans propose 71 single-family lots. The plans are consistent with the revised preliminary PUD plan approved on February 17, 2000.

The approval of the revised preliminary PUD plan included substantial traffic conditions by phase. The requirements for Phase IV were to submit plans to widen and add a sidewalk to Cato Road in front of Cumberland Elementary School.

With the PUD approval for Phase V, the developer was conditioned to be required to pay the Metropolitan Government for the cost of the improvements required in Phase IV including the acquisition of any necessary additional right-of-way. However, because the situation at Cumberland Elementary needed immediate action, the Metropolitan Government completed the improvements in 2001. Since the required improvements are already in place, the developer has agreed to reimburse Metro for an amount to be agreed upon by Public Works prior to the recording of the final plat for Phase V.

**METRO PUBLIC WORKS' COMMENTS** - Prior to the recording of the final plat for Phase V, the developer will reimburse Metro, for an amount to be determined by the Department of Public Works, for the widening of Cato Road in front of Cumberland Elementary School and the construction of a five foot sidewalk in front of Cumberland Elementary School.

The following comments will need to be addressed on the construction plans of Phase V:

Gilmore Crossing Lane and Rambling Brook Road profiles have a slope less than the 1% required for new construction.

The western side of Gilmore Crossing Lane needs a handicap ramp installed across the terminus of Creekview Drive (Lot 118) and from the terminus of Rambling Brook Road (Lot 123). The terminus of Gilmore Crossing Lane at Cato Road needs a pair of handicap ramps.

Submit signing and marking plan.

#### **CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. 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. Comply with all Public Work's conditions of approval.

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

#### **Resolution No. RS2004-398**

"BE IT RESOLVED by The Metropolitan Planning Commission that 27-87-P-03 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
  2. 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. Comply with all Public Work's conditions of approval.
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29.

**88P-068G-13**

Nashboro Square Commercial  
Map 135, Parcels 251, 252, 253, 258, 267, 268, 269  
Subarea 13 (2003)  
District 29 (Wilhoite)

A request to revise a portion of the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located abutting the east side of Murfreesboro Pike, north of Brooksboro Trail., classified R10, (7.26 acres), to permit an 8,750 square foot office, a 4,645 square foot restaurant, a 1,650 square foot restaurant, and a 4,200 square foot bank, requested by Palmer Engineering Company, for Pharis Douglas, Lola Douglas, Marry Louise Douglas Tripp, and Robert and Durwood Trent, owners.

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

**APPLICANT REQUEST - Revise Preliminary & Final PUD**

Request to revise the preliminary plan and for final PUD approval for a portion of the Nashboro Square Commercial PUD to allow for the development of an 8,750 square foot office, a 4,645 square foot restaurant, a 1,650 square foot restaurant and a 4,200 square foot bank, replacing 8,400 square feet of retail uses. The property is located at the northeast corner of Murfreesboro Pike and Brooksboro Place.

**PLAN DETAILS**

**History** - This PUD was originally approved in 1988, for 242,100 square feet of retail, movie theater, grocery store, department store, and other commercial uses. The PUD remained undeveloped until 2002, when a restaurant and a retail use were approved in two of the outparcels.

**Proposed Plan** - The driveway locations of the proposed plan are essentially the same as the currently approved plan. The proposed plan creates four outparcels where two currently are approved. The proposed plan accounts for the required parking, while retaining the original site layout for the larger, undeveloped commercial uses to the rear of the site. This change does not result in an increase in the square footage beyond 10% of what was originally approved, therefore, staff recommends approval as a revision to the preliminary PUD plan.

**METRO PUBLIC WORK'S FINDINGS** - Metro Public Works staff requested that a new Traffic Impact Study be completed. The applicant has completed the TIS and Public Works recommends the following conditions:

The TIS has been reviewed and the following comments and conditions prepared:

1. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
2. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
3. Remove Bank right in only driveway located 50 ft from Murfreesboro.
4. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
1. 5.Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.
2. 6.Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.
6. Original PUD was approved with land use generating approximately 981 pk hr trips. To accommodate the additional pk hr trips resulting from the change in land use for this portion of the PUD, the original pud shall be revised to reduce approximately 7000 sq. ft of retail in the remaining unbuilt portion of the PUD.

**SITE PLAN COMMENTS**

1. Revise site plan to be consistent with above conditions.

2. If fast food restaurant has drive thru service, construct 12 ft wide by-pass lane as required by zoning regulations.
3. Document adequate Turning movement into fast food driveways for SU30 truck
4. Align fast food eastern drive opposite office driveway aisle.

**CONDITIONS**

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
6. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
7. Remove Bank right in only driveway located 50 ft from Murfreesboro.
8. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
9. Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.
10. Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.

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

**Resolution No. RS2004-399**

“BE IT RESOLVED by The Metropolitan Planning Commission that 88P-068G-13 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

1. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
2. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
3. Remove Bank right in only driveway located 50 ft from Murfreesboro.
4. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
5. Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.



6. Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.
7. Original PUD was approved with land use generating approximately 981 pk hr trips. To accommodate the additional pk hr trips resulting from the change in land use for this portion of the PUD, the original pud shall be revised to reduce approximately 7000 sq. ft of retail in the remaining unbuilt portion of the PUD.
8. Revise site plan to be consistent with above conditions.
9. If fast food restaurant has drive thru service, construct 12 ft wide by-pass lane as required by zoning regulations.
10. Document adequate Turning movement into fast food driveways for SU30 truck
11. Align fast food eastern drive opposite office driveway aisle.
12. 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.
13. 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.
14. 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.
15. 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.
16. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
17. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
18. Remove Bank right in only driveway located 50 ft from Murfreesboro.
19. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
20. Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.
21. Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.”

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**30.** **2004P-019G-14**  
Hermitage Senior Living  
Map 86, Parcel 164  
Subarea 14 (1996)  
District 12 (Gotto)

A request for final approval for a Planned Unit Development district located at 4131 Andrew Jackson Parkway,

south of Stoner's Glen Road, classified RM6, (8.5 acres), to permit a 47 rooming unit, assisted-living facility and 24 townhomes, requested by Gresham Smith and Partners, for Unity Center for Positive Living, Inc., owner.

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

#### **APPLICANT REQUEST - Final PUD**

Request for final PUD approval to permit a 47 rooming unit (16 dwelling units) assisted-living facility, and 24 townhomes. The property is located at 4131 Andrew Jackson Parkway, north of Chandler Road.

#### **PLAN DETAILS**

The plan proposes 47 rooming units or 16 dwelling units (47 rooming units/3 beds) for the assisted-living facility and 24 townhome units. Access is provided from Andrew Jackson Parkway and a future access drive is proposed from the future relocation of Chandler Road. The assisted-living facility is oriented towards Andrew Jackson Parkway while the townhomes are to the rear of the property. The access drive splits into a one-way drive around the assisted-living facility with the townhomes and the parking spaces oriented towards the one-way drive. There is also a pavilion and covered parking spaces proposed.

The plan does meet landscaping buffer yard and parking requirements. The property is adjacent to RS15 zoning on both sides, which would require a "B" type landscape buffer yard. The plan proposes a 10-foot buffer yard, which is consistent with the standard "B" landscape buffer requirement. There are also 70 parking spaces proposed, while 69 are required. The assisted-living facility would require 21 spaces while the townhome units would require 1 space per bedroom up to 2 bedrooms and .5 for each additional bedroom. The plan proposes 2 spaces per unit, and all units are to be no more than 2 bedroom units.

Sidewalks are provided on Andrew Jackson Parkway and within the development.

**Zoning** - The Planning Commission recommended and the Metro Council approved the associated zone change and preliminary PUD on September 25, 2004. The unmapped RM policy allowed for the 4.66 dwelling units per acre proposed by the PUD plan since it is along Andrew Jackson Parkway and Chandler Road, which are both arterial streets. It also meets all zoning and subdivision requirements.

#### **METRO PUBLIC WORKS' COMMENTS**

A new site plan and TIS was submitted on 6/25/04. This new site plan reflects the recommendations of the TIS. These recommendations include future changes to the site that will be required when Chandler Road is relocated.

Therefore, Traffic recommended approval of the Zone Change and the PUD.

#### **CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2004-391**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-019G-14 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

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

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31. **2004P-027G-06**  
Bellevue KFC  
Map 142, Parcel Part of 57  
Subarea 6 (2003)  
District 22 (Crafton)

A request for preliminary approval for a Planned Unit Development district located on a portion of property at 7121 Highway 70 South, abutting the south side of Highway 70 S, and the north side of Old Harding Pike, classified OR20 and proposed for CL, (1.10 acres), to permit a 3,125 square foot fast-food restaurant, requested by T Square Engineering, for AJS Associates, optionee, and Suntrust Bank, owner.

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

**APPLICANT REQUEST**

**Preliminary PUD-** Request for Preliminary PUD approval to permit a 3,125 square foot fast-food restaurant on 1.10 acres at 7121 Highway 70 S at the intersections of Highway 70 S, Old Harding Pike, and Hicks Road.

**PLAN DETAILS**

The proposed plan includes two points of ingress/egress: one from Hicks Road and one from Old Harding Pike. The PUD plan provides the required landscape buffer yard between the adjacent bank and the proposed restaurant.

**Sidewalks** - Sidewalks are proposed along Highway 70 S and along Hicks Road, but not along Old Harding . This site falls within an area with a Sidewalk Priority Index of greater than 20, therefore, sidewalks are required to be built or the applicant must pay an in-lieu fee. Since this is a commercial property, the applicant will make this choice at the building permit stage. A note must be placed on the PUD plan indicating that sidewalks will meet the Zoning Code Requirements.

**Recent Rezonings** - The Planning Commission recommended approval of the request to change from OR20 to CL district in January 2004. However, the Council Bill was not filed until recently. The bill is now scheduled for the November Public Hearing at the Metro Council. The Zone Change Bill includes several conditions, including the following:

1. The construction of a monument style sign constructed of “municipal red brick” being a maximum eight feet in height and nine feet in length;
2. That the exterior of the proposed development be consistent with the rendering on file with the Planning Commission and made a part of this ordinance as though copied herein; and
3. That the proposed development be consistent with the Demolition and Layout Plan and the Landscape Plan filed with the Planning Commission as part of the Preliminary Planned Unit Development on file with the Planning Commission and made a part of this ordinance as though copied herein.

#### **METRO PUBLIC WORKS’ COMMENTS**

1. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.

#### **CONDITIONS**

1. Sidewalks are to meet Zoning Code requirements. If the applicant chooses to pay the in-lieu fee this will be done at the building permit stage.
2. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval includes an 8’ tall by 9’6” wide monument style sign, as included in the submitted documents.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

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

#### **Resolution No. RS2004-392**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-027G-06 is **APPROVED WITH CONDITIONS. (9-0)**”

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

1. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.
2. Sidewalks are to meet Zoning Code requirements. If the applicant chooses to pay the in-lieu fee this will be done at the building permit stage.
3. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.



A request to rename a 1,390 foot section of Walker Lane, to "Mable Boyd Lane," requested by Metro Public Works.

**The Metropolitan Planning Commission has WITHDRAWN Mandatory Referral 2004M-108U-03 at the request of the applicant. (9-0)**

### **XIII. OTHER BUSINESS**

**34.** Avondale Park Subdivision preliminary fee waiver request.

**Staff Recommendation - Disapprove**

#### **APPLICANT REQUEST - Fee Waiver**

Request for a partial fee waiver for an upcoming application that will be filed on October 28, 2004, for a preliminary plat named Avondale Park Subdivision containing 571 lots. The required fee is \$17,330, while the applicant is requesting to pay \$5,910. The applicant is requesting a reduction in the fee since they feel this is an "exorbitant fee" due to the large size of the proposed project on property known as the "Sod Farm".

#### **DETAILS**

On August 1, 2004, new Subdivision Fees went into effect doubling the required fees for Subdivision applications. The fee changes were approved by the Planning Commission on June 10, 2004, following a public hearing. The changes were based on an audit and comprehensive fee study performed by the Maximus company.

Maximus' study found it to be reasonable among planning departments to collect fees that cover 50-65% of the cost of the service. Prior to August 1, 2004, Metro's planning fees covered on average about 30% of the cost for the service. The study recommended that most of the Planning Department's fees should be increased to defray, on average, approximately 60% of the costs.

Staff met with Councilmembers, developers, neighborhood and affordable housing representatives, and the Mayor's office to present these new fees and give all affected groups time to prepare and plan for the new fees.

Current fees: Currently, the required fee for a preliminary plat is \$200 plus \$30 per lot.

$$(571 \times 30) + 200 = \$17,330$$

Old Fees: The required fees for a preliminary plat prior to August 1, 2004, was \$100 plus \$15 per lot.

$$(571 \times 15) + 100 = \$8,665$$

**RECOMMENDATION** - Staff recommends disapproval of this request. The new fees are rationally based on recovering a significant percentage of Metro's expenses for reviewing this proposal. Approving a reduction in this applicant's fees may set an unfortunate precedent that anyone not satisfied with the fee would request the Commission to reduce their fees.

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

Ms. Heather Ray, Prestige Homes, spoke in support of the fee waiver.

Mr. McLean moved and Ms. Nielson seconded the motion, to disapprove the request to a variance of a preliminary fee waiver. **(9-0)**

#### **Resolution No. RS2004-394**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that Avondale Park Subdivision Preliminary Fee Waiver was **DISAPPROVED. (9-0)"**

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35. Adopt 2005 Metro Planning Commission schedule

<u>Filing Deadline</u>	<u>Meeting Date</u>
12/2/04	1/13/05
12/16/04	1/27/05
12/30/04	2/10/05
1/13/05	2/24/05
1/27/05	3/10/05
2/10/05	3/24/05
3/03/05	4/14/05
3/17/05	4/28/05
3/31/05	5/12/05
4/14/05	5/26/05
4/28/05	6/09/05
5/12/05	6/23/05
6/02/05	7/14/05
6/16/05	7/28/05
6/30/05	8/11/05
7/14/05	8/25/05
7/28/05	9/08/05
8/11/05	9/22/05
9/01/05	10/13/05
9/15/05	10/27/05
9/29/05	11/10/05
10/27/05	12/08/05
12/01/05	1/12/06

Approved (9-0), *Consent Agenda*

36. Executive Director Reports

37. Legislative Update

**XIV. ADJOURNMENT**

The meeting was adjourned at 8:55 p.m.



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Chairman

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Secretary