



**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 9, 2003

PLANNING COMMISSION:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Victor Tyler
James McLean
Councilmember John Summers
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

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

Commission Members Absent:

Doug Small
Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:08

II. ADOPTION OF AGENDA

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

Item "a" – Downtown Business District and Streetscape Plan for the City – A paragraph had been added to the content to further outline technical issues regarding termination.

Item No. 2 -- 2003Z-103U, 11R8 to RS7.5 & R10, Properties east of Nolensville Pike acreage should read 642.44.

Item "i" – addition of the Nashville's COOL Project contract.

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the agenda as corrected. (7-0)

III. APPROVAL OF SEPTEMBER 25, 2003 MINUTES

Ms. Cummings moved, and Mr. Sweat seconded the motion, which passed unanimously to approve the minutes of September 25, 2003. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Greer spoke in favor of Item #13 -- 2003M-100U-10.
Councilmember Toler spoke in favor of Item #18 -- 2003M-111U-12.
Councilmember Gotto spoke in favor of Item #17 -- 2003M-110G-14.
Councilmember Gilmore spoke in favor of the Joelton Community Plan: 2003 Update.
Councilmember McClendon requested that Item #6 – 2003Z-124U-11 be deferred until November 13, 2003,
requested that Item #3 – 2003Z-113U-11 be disapproved and she spoke in favor of Item #2 – 2003Z-103U-11.

V. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

6. 2003Z-124U-11 R6 to MUN, 2200 Fox Avenue - Deferred to November 13, 2003
8. 2003S-222U-10 Sunnybrook Lane Subdivision (formerly Sunny Court Subdivision) – deferred to October 23, 2003
16. 2003M-109U-03 Close Portion of Unnumbered Alley between North Avondale Circle and Alley #1059 – deferred to October 23, 2003
19. 2003M-112G-03 Close Unbuilt Right-of-Way Located on the South Margin of Harpeth – withdrawn

Mr. Sweat moved and Mr. McLean seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. (7-0)

Councilmember Summers arrived at 4:18

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

4. 2003Z-121U-08 1029 12th Ave. N. & Meharry Blvd. (unnumbered), CS to MUL - Approve
5. 2003Z-123U-03 3401 John Mallette Dr., CN to MUN- Approve (**Note:** Following approval of this item on the Consent Agenda, the Commission approved a motion to rehear the item at the October 23, 2003, Commission meeting at the request of two citizens who were present in the audience.)

PRELIMINARY SUBDIVISION PLATS

7. 2003S-162G-03 Cherry Grove (formerly part of William Thompson, Jr. Property)-Approve

PLANNED UNIT DEVELOPMENTS (revision)

10. 94-71-G-06 Bellevue Crossing (Bellevue Mall)-Approve w/ conditions
11. 206-76-U-08 St. Luke Geriatric Center-Approve w/ conditions
12. 2001P-005U-10 Fifth Third Bank-Approve w/ conditions

MANDATORY REFERRALS

- 14. 2003M-107U-10 West End Avenue Sewer Line and Easement Abandonment and Extension-Approve
- 17. 2003M-110G-14 Property Acquisition/John Hager Road Widening -Approve
- 18. 2003M-111U-12 Property Acquisition/Edmondson Pike/Cloverland Drive Road Improvements-Approve

OTHER BUSINESS

- a. Downtown Business District and Streetscape Plan for City of Goodlettsville Contract
- b. GIS Training and Data Conversion Contract
- c. Travel Demand Model Network Update Contract
- d. Employee Contracts for Adetokunbo Omishakin, Abby Scott, Brian Wallace, John Broome, Kim Karesh, Michelle Kubant, and Matt Meservy
- i. Nashville’s COOL (Communities Organized On-Line) Project

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously to approve the consent agenda. **(8-0)**

VII. OTHER BUSINESS

- a. Downtown Business District and Streetscape Plan for City of Goodlettsville Contract

Approved (8-0)

- b. GIS Training and Data Conversion Contract

Approved (8-0)

- c. Travel Demand Model Network Update Contract

Approved (8-0)

- d. Employee Contracts for Adetokunbo Omishakin, Abby Scott, Brian Wallace, John Broome, Kim Karesh, Michelle Kubant, and Matt Meservy

Approved (8-0)

- e. Public Hearing – Amendment 4: Subarea 8 - The North Nashville Community-2002 Update
MetroCenter/North Rhodes Parks

Staff Recommendation – Approve

REQUEST: Adopt DNDP for MetroCenter/North Rhodes Park (MCNR) Neighborhood and add by reference to Appendix E of the Subarea 8 Plan

SUBAREA PLAN

The MPC adopted the *Plan for Subarea 8: the North Nashville Community: 2002 Update* on January 24, 2002. The plan called for the completion of DNDPs for the planning neighborhoods within Subarea 8 that would expand upon the Structure Plan. The subarea plan calls for the DNDPs to be made a part of Appendix E of the community plan by

reference. This is the 19th of 21 planning neighborhoods in North Nashville for which a DNDP has been prepared

CHANGE TO APPENDIX E

The proposed changes are detailed in the accompanying document entitled: *Amendment #4 to the Plan for Subarea 8: the North Nashville Community: 2002 Update.*

DNDP FOR METROCENTER/NORTH RHODES PARK NEIGHBORHOOD

Staff met with approximately 35 individuals representing business, civic, residential and property interests during four workshops held on August 25th and 27 and September 3rd and 10th.

MCNR Plan Objectives

The plan overall seeks to provide opportunities to do the following:

Encourage and provide a pedestrian-friendly environment.

Encourage and provide locations for passive and active recreation.

Encourage and provide an interconnected transportation network for pedestrians, bicyclists, vehicles and transit.

Provide a primarily business environment along and north/east of MetroCenter Blvd. and an appropriate mix of uses generally south/west of MetroCenter Blvd.

Description of neighborhood

The MCNR neighborhood is characterized by a large public golf course and playfields in the western section, an established area of primarily light industrial and office activities throughout much of the MCNR neighborhood north of and away from MetroCenter Blvd.; commercial uses along most of MetroCenter Blvd. east of the golf course, and a mixture of uses along and west of Athens Way south of MetroCenter Blvd. To a great extent, the vision of the MCNR plan is to continue that established pattern of development. The plan encourages a mixture of new development in the area between Athens Way and 10th Avenue North. It also envisions a diverse mixture of uses on the site of the Watkins College of Art and Design.

Mr. Eadler stated that staff recommends approval.

Ms. Jim Brooks, 113 Scott Avenue, spoke in favor of the project. He stated that this project was well publicized and accepted by the community.

Ms. Teresa Elder-Smith, 2025 MetroCenter Blvd., thanked the planning department for their patience and stated that she is in favor of the project.

A resident of the areas expressed concerns regarding the type of housing that would be associated with this project.

Mr. Lawson explained that the plans were conceptual at this point and could not specify the type of housing included in the plan.

Mr. Jimmy Webb, thanked the staff for their work in organizing and implementing their plan and stated he was in support of this plan.

Mr. Clifton expressed a concern regarding the residential changes included in this plan.

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve The North Nashville Community-2002 Update MetroCenter/North Rhodes Parks **(8-0)**

Resolution No. 2003 –346

“BE IT RESOLVED by the Metropolitan Planning Commission that Amendment 4 to Subarea 8 – The North Nashville Community 2002 Update is **APPROVED. (8-0)**”

f. Public Hearing – Adopt the Joelton Community Plan: 2003 Update

Staff Recommendation - Approve

REQUEST - Adopt the Joelton Community Plan: 2003 Update.
This plan replaces the Subarea 1 Plan: 1997 Update.

Public Participation

Staff met with over 125 residents, property owners, and business owners during a series of workshops and meetings held during March – August 2003.

Development Goals - After developing an overall vision for the community, the following goals guided development of the Structure Plan:

Maintain Rural Character – Preserve and continue rural development patters (farms, multi-acre lot homes) for most of the community.

Cluster most housing near interchange (I-24/Whites Creek Pike) – Accommodate most new residential development near the I-24/Whites Creek Pike interchange and concentrate more intense housing near commercial uses.

Protect hillsides – Prohibit development on hillsides and Highland Rim escarpment.

Concentrate services – Contain commercial and mixed use areas to provide community services and prevent encroachment. Rural community centers will continue to provide small-scale services for their immediate vicinities.

Highlights

Structure Plan-The structure plan for the downtown Joelton area near the Interstate 24/Whites Creek Pike interchange has three major changes from the 1997 Update.

The proposed plan lowers from 1,267 to 143 acres the amount of Residential Low Medium (RLM) and Residential Medium (RM) policy north of the interstate. Most of the former suburban residential policy is proposed for Rural policy (one unit per two acres). The reduction is consistent with the goals to cluster housing near the interchange and maintain rural character.

The proposed plan increases by roughly 200 acres the amount of land covered by RLM in the downtown area south of Interstate 24 (from 411 acres of RLM and RM to 619 acres of RLM). The addition is consistent with the goal to cluster housing near the interchange.

The proposed plan replaces the Retail Concentration Community (RCC) policy that covered the Whites Creek Pike strip to Community Center that will add the option for mixed use and residential uses along this historic community center and is consistent with the development goals of concentrating services and clustering housing near the interchange.

Land use policies for the remaining undeveloped sections of the community were not substantially changed, although in some cases the old land use policy categories used in the 1997 version have been replaced by the equivalent Structure Plan policy used in the new community planning system. An example of this would be the replacement of Interim Non Urban with Rural policy.

Transportation Plan - The transportation plan outlines greenways presented in previous plans as well as spurs that would connect the Joelton Park, middle school and elementary schools to the Whites Creek Greenway. The plan also outlines planned collector streets that developers must construct when they subdivide the property in the future.

Mr. Sewell stated that staff is recommending approval of this plan including the amendment.

Ms. Sarah Anderson, 3311 Union Road, expressed a concern regarding the Community Center and its relation to the Community Plan.

Linda Hackett, 7263 Bidwell Road, complimented and thanked the staff for their work on this project.

Lorna Karr, 5100 Rawlings Dr., spoke in favor of this project and thanked the Planning staff for their work.

Mr. McLean moved, and Mr. Clifton seconded the motion, which passed unanimously, to approve the Joelton Community Plan, 2003 Update **(8-0)**

Resolution No. 2003 –347

“BE IT RESOLVED by the Metropolitan Planning Commission that the Adoption of the Joelton Community Plan, 2003 Update was **APPROVED (8-0)**”

- g.** Executive Director Reports
- h.** Legislative Update
- i.** Nashville’s COOL (Communities Organized On-Line) Project

Approved (8-0)

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. 2003Z-099U-08**
 - Map 70-12, Parcel 10
 - Map 70-15, Parcel 49
 - Subarea 8 (2002)
 - District 2 (Isabel)

A request to change from CS district to RM40 district and from MUG district to IWD district two properties at 468 Ponder Place and Great Circle Road (unnumbered), abutting the east margin of 10th Avenue North and 1,500 feet east of Athens Way, (7.82 acres), requested by American Realty Trust, Inc., owner, Henry A. Butler, agent.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 7.82 acres from commercial services (CS) to RM40 district; and mixed use general (MUG) to industrial warehousing/ distribution (IWD) property, at 468 Ponder Place and Great Circle Road (unnumbered).

Existing Zoning

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

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

Proposed Zoning

RM40 district - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

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

SUBAREA 8 PLAN POLICY

Mixed Use (MU) in Community Center (CC) - 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.

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

Policy Conflict - No. The proposed RM40 zoning district is consistent with the detailed neighborhood design plan’s policy of Mixed Housing (MH). This subarea plan is scheduled to be updated on this agenda, as well. The existing land use policy is Neighborhood Urban (NU). The applicant deferred this application until this detailed neighborhood design plan was complete.

The proposed IWD zoning district is consistent with the Light Mixed Industrial (LMI) detailed neighborhood design plan’s policy for this area, as well. The IWD zoning district is also consistent with the zoning pattern in the area.

TRAFFIC - Based on the trip generation numbers for residential medium (RM40), this proposal will generate approximately 785 daily trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Based on the trip generation numbers for industrial warehousing/distribution (IWD), this proposal will generate approximately 542 to 689 daily trips ranging from general light industrial to warehousing. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendations - “No exception taken.”

SCHOOLS 8 Elementary 6 Middle 5 High

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

Ms. Harris stated that staff is recommending approval.

Mr. McLean moved and Mr. Sweat seconded the motion, which passed unanimously, to approve. **(8-0)**

Resolution No. 2003 –348

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-099U-08 is **APPROVED. (8-0)**

The proposed RM40 and IWD districts are consistent with the updated Subarea 8 policy called for in the MetroCenter/North Rhodes Parks Detailed Neighborhood Design Plan. The policy for the RM40 zoning district is Mixed Housing, which is intended for a range of housing types. The policy for the IWD zoning district is Light Mixed Industrial.”

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2. **2003Z-103U-11**
Map 119, Various Parcels
Map 133, Various Parcels
Map 134, Various Parcels
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R8 district to RS7.5 district and from R10 district to RS10 district various properties located east of Nolensville Pike, south of Thompson Lane and west of I-24, (640.81 acres), requested by Councilmember Amanda McClendon.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1,612 parcels totaling 640.81 acres from residential single-family and duplex (R8) to single-family (RS7.5), and from residential single-family and duplex (R10) to single-family (RS10). The properties are located between Nolensville Pike and I-24 and between Thompson Lane and the CSX Railroad tracks. Councilmember Amanda McClendon has made this request so more duplexes cannot be added to this area.

Existing Zoning

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

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

Proposed Zoning

RS7.5 district - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

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.

SUBAREA 11 PLAN

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.

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

Natural Conservation (NC) -NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate. A small portion of this area – in the southeastern corner – is within the NC policy area.

Policy Conflict - No. The proposed RS districts are consistent with the Subarea 11 Plan's RLM and RM policies.

According to Metro property records, 95 of the parcels are vacant, 83 parcels currently have duplexes, and the remainder are currently single-family.

The Zoning Code allows for legally non-conforming lots to remain non-conforming. The Code also states that a structure containing a duplex nonconforming use within an RS district may be restored within one year if the structure is damaged or destroyed.

RECENT REZONINGS - No.

TRAFFIC - This rezoning is not expected to have a significant effect on future traffic volumes.

Public Works Findings - No exception taken.

Mr. Leeman stated that staff is recommending approval.

Councilwoman McClendon stated that she is requesting approval of this zone change. She stated that this change is designed to preserve the housing stock within the neighborhood and would preserve single-family homes.

Ms. Janice Sontay, former Councilwoman, spoke in favor of the proposed zone change.

Ms. Cathie Dodd, 222 Oriel Ave., spoke in opposition to this proposed zone change. She stated that the changes will not achieve the goals intended for the area.

Mr. Chris Beckman, spoke in favor of this project.

Mr. McLean expressed concerns regarding the rezoning issues and the possible affects that would be placed on this area if approved.

Mr. Clifton expressed concerns regarding the zoning and its relation to the affordable housing issue in Nashville.

Ms. Cummings asked for clarification on the conditions of the proposed changes and the impact it would place on the residents.

Councilmember Summers expressed concerns regarding stabilization of the neighborhood and the proposed rezoning issues.

Mr. Sweat spoke in favor the project.

Mr. Summers moved, and Mr. Sweat seconded the motion, to approve Zone Change #2003Z-099U-08. **Approved, (7-1)** w/No vote – Jim McLean

Resolution No. 2003 –349

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-103U-11 is **APPROVED. (7-1)**

The proposed RS7.5 and RS10 districts are consistent with Subarea 11 Plan’s Residential Low Medium (RLM) and Residential Medium (RM) policies. The RLM policy calls for residential development within a density of two to four dwelling units per acre, while the RM policy calls for residential development within a density of four to nine dwelling units per acre. The Zoning Code allows for legally non-conforming lots to remain non-conforming. The Code also states that a structure containing a duplex nonconforming use within an RS district may be restored within one year if the structure is damaged or destroyed.”

Mr. Bernhardt announced that Item #5, 2003Z-123U-03 should have been removed from the consent agenda and should not have been included as an approved item under the Consent Agenda. He indicated that there were members in the audience who specifically wanted this item to be presented and discussed in order to voice their opinions. He indicated that under the Commission’s rules the item could be reheard if a Commissioner made a motion requesting a rehearing.

Mr. McLean moved, and Mr. Clifton seconded the motion, which passed unanimously, to place Zone Change 2003Z-123U-03, on the October 23, 2003 agenda, for rehearing. **(8-0)**

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- 3. 2003Z-113U-11**
Map 119-10, Parcel 93
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R10 district to OR20 district property at 90 Thompson Lane, approximately 250 feet west of Hartford Drive, (0.37 acres), requested by Teresa Taylor, appellant/owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 0.37 acres from residential (R10) to office and residential (OR20) district property at 90 Thompson Lane, approximately 250 feet west of Hartford Drive.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 11 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 – Yes. The proposed OR20 zoning district is inconsistent with the RLM policy since it allows for office uses. Although there are several small office uses to the west of Hartford Drive, along the northside of Thompson Lane, these are inconsistent with the residential policy, as well.

The Subarea 11 Plan discusses office uses along this portion of Thompson lane, stating: “These uses should continue to be limited to properties fronting Thompson Lane and not permitted to encroach into the residential area, nor should they be expanded further east along Thompson Lane. If such expansion were to be allowed, it would set a problematic precedent for the many similar areas throughout the county where residential development is found along major streets.” (page 56)

The zone change would set a precedent for future development along Thompson Lane. Surrounding development is predominantly residential to the north of this property and south of Thompson Lane.

RECENT REZONINGS - Yes. Property to the east (Map 119-10, Parcel 91) was rezoned from R10 to OR20 in August 1999. Planning staff and the Planning Commission recommended disapproval. Property to the west (Map 119-10, Parcel 96) of the property in question was rezoned from OG to OL in 1998 with the overall zoning update for the county.

TRAFFIC - Based on the trip generation numbers for office residential (OR20), this proposal will generate approximately 49 to 142 daily trips ranging from apartment and office uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendations

Current zoning - R10, Peak Adj. Street Traffic (assumed single family/duplex, Code 210)

AM trips = 3 PM trips = 4

Proposed zoning - OR20, Peak Adj. Street Traffic (assumed General Office, Code 710)

AM trips = 20 PM trips = 20

Number of trips do not increase by a significant amount.

No exception taken.

SCHOOLS 1 Elementary <1 Middle <1 High

Ms. Harris stated that staff is recommending disapproval.

Councilwoman McClendon stated she is not in favor of this project.

Ms. Jones stepped out of the meeting.

Councilmember Summers stepped out of the meeting.

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously to disapprove. **(6-0)**

Resolution No. 2003 –350

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-113U-11 is **DISAPPROVED. (6-0)**

The proposed OR20 district is inconsistent with Subarea 11 Plan’s Residential Low Medium (RLM) policy calling for residential development at a density of two to four dwelling units per acre. Although there are several office uses along Thompson Lane, Subarea 11 states, “If such expansion were to be allowed, it would set a problematic precedent for the many similar areas throughout the county where residential development is found along major streets.””

- 4. 2003Z-121U-08**
Map 81-16, Parcels 456 and 457
Subarea 8 (2002)
District 19 (Wallace)

A request to change from CS district to MUL district property at 1029 12th Avenue North and Meharry Boulevard (unnumbered), at the corner of 12th Avenue North and Meharry Boulevard, (0.13 acres), requested by Temond LeSure, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 0.13 acres from commercial services (CS) to mixed use limited (MUL) district property at 1029 12th Avenue N., at the corner of 12th Ave. N and Meharry Blvd.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 8 PLAN POLICY

Mixed Use (MU) in Community Center - 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.

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

Policy Conflict - No. The proposed zoning district (MUL) is consistent with the policy for this area. The design standards in this area state:

“On corner lots, structures should be built to the sidewalk to provide a ‘Main Street’ character. On-street parking should be provided wherever feasible.”

These lots are situated on the corner of Meharry Blvd. and 12th Street. Therefore, the structures should be built to be consistent with existing character.

RECENT REZONINGS - No

TRAFFIC - Based on the trip generation numbers for residential single-family (MUL), this proposal will generate approximately 37 to 62 daily trips ranging from low rise apartment to general office uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendations - According to the charts in the Zoning Codes, these zones are very similar and many of the same assumptions could be made for both. This, coupled with the fact that the land acreage is small, we take no exception.

“No exception taken.”

SCHOOLS 1_Elementary 1_Middle 1_High

Schools Over/Under Capacity* - Students would attend Cockrill Elementary, Bass Middle School, and Pearl-Cohn High School. Cockrill and Bass have been identified as being overcrowded by the Metro School Board.

*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 (8-0), Consent Agenda

Resolution No. 2003 –351

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-121U-08 is **APPROVED. (8-0)**

The proposed MUL district is consistent with the Detailed Neighborhood Design Plan for the Fisk-MeHarry area. This plan calls for Mixed Use in Community Center, which is intended for residential as well as commercial uses in dense, predominantly commercial areas at the edge of a neighborhood.”

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- 5. 2003Z-123U-03**
Map 69-16, Parcel 146
Subarea 3 (2003)
District 2 (Isabel)

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

Staff Recommendation - Approve

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

Existing Zoning

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

Proposed Zoning

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

SUBAREA 3 PLAN POLICY

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

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

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

RECENT REZONINGS - No

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

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

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

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

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

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

SCHOOLS 3 Elementary 3 Middle 2 High

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

Approved (8-0), Consent Agenda

Resolution No. 2003 –352

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

The proposed MUN district allows for residential uses and moves the zoning closer to conformance with the Subarea 3 Plan’s Residential Low Medium (RLM) policy calling for residential development at two to four dwelling

units per acre. This item was approved on the Consent Agenda, but since several members of the public were present to speak on this item the Commission voted to rehear this case at the October 23, 2003, meeting.”

6. **2003Z-124U-11**
Map 119-01, Parcel 220
Subarea 11 (1999)
District 16 (McClendon)

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

The Metropolitan Planning Commission deferred Zone Change No. 2003Z-124U-11 to the November 13, 2003 meeting, at the request of the applicant. (7-0)

IX. **PRELIMINARY SUBDIVISION PLATS**

7. **2003S-162G-03**
Cherry Grove (formerly part of William Thompson, Jr. Property)
Map 49, Part of Parcel 42
Subarea 3 (2003)
District 3 (Hughes)

A request for preliminary plat approval for 43 lots abutting the west margin of Whites Creek Pike, approximately 800 feet north of Lloyd Road, (20.08 acres), classified within the R15 district, requested by William H. Thompson, Jr., owner, Walter H. Davidson, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 20.08 acres into a 43 lot subdivision with 2.2 acres of open space, located on the west margin of Whites Creek Pike, approximately 800 feet north of Lloyd Road.

ZONING

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

SUBDIVISION DETAILS - This subdivision is 20.08 acres of a 79 acre tract and has been designed to allow for additional phases in the future that could total approximately 150 lots.

Lot averaging

The applicant has chosen to utilize the lot averaging provision of the Zoning Ordinance (17.12.080) which can be employed to accommodate natural features, in this case a stream. In the R or RS districts, up to ten percent of the platted lots within each phase of a subdivision may contain as little as ninety percent of the minimum required lot area of the zoning district, provided that the average of all lots within the same recorded phase of the subdivision is equal or greater than the standard minimum lot size for the district. Three of the proposed lots (7%) are less than the minimum required lot area of 15,000 square feet. The average of the lots in the proposal is 15,348.59 square feet.

Public Works Recommendation

1. A temporary cul-de-sac shall be designed and installed at the western boundary of Cherry Grove Lane so that the roadway may be extended when Phase 2 construction begins. The cul-de-sac shall be signed as temporary per Metro's ordinances.

2. The proposed cross-section for Cherry Grove Lane shall be in accordance with Metro's standard drawing ST-251. The proposed roadway design shall use a minimum radius of 250 ft for horizontal curves, which is consistent with a 30 mph design speed.
3. The developer shall dedicate 12 ft of ROW along the Cherry Grove frontage to accommodate a northbound left turn lane at Phase 2 development, if warranted at that time.
4. The site access off Whites Creek Pike shall be constructed with one, 11 ft. wide exiting right turn lane, one, 11 ft. wide exiting left turn lane with 50 ft. of storage and taper per AASHTO standards, and one, 11 ft. wide entering lane.
5. Prior to Phase 2 development, a Traffic Impact Study shall be conducted to determine road improvements based on the actual development and road plans.
6. The developer shall ensure that all intersections shall be designed to provide acceptable sight distance.

CONDITIONS

1. All Public Works traffic conditions, listed above, are included as staff’s recommendation for conditions of approval.
2. A revised preliminary plat shall be submitted by October 23, 2003 showing:
 - **Preliminary Note** - “This drawing is for illustrative purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.”
 - **Buffer Note** - “The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 Regulations.
 - Updated council district information – District 3.
 - Subdivision Number 2003S-162G-3.
 - The site access off Whites Creek Pike shall show one, 11 ft. wide exiting right turn lane, one, 11 ft. wide exiting left turn lane with 50 ft. of storage and taper per AASHTO standards, and one, 11 ft. wide entering lane.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 –353

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary plat No. 2003S-162G-03 is APPROVED WITH CONDITIONS. (8-0)

Conditions of Approval:

1. All Public Works traffic conditions, listed above, are included as staff’s recommendation for conditions of approval.
2. A revised preliminary plat shall be submitted by October 23, 2003 showing:
 - **Preliminary Note** - “This drawing is for illustrative purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.”
 - **Buffer Note** - “The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 Regulations.
 - **Updated council district information** – District 3.
 - **Subdivision Number 2003S-162G-3.**
 - The site access off Whites Creek Pike shall show one, 11 ft. wide exiting right turn lane, one, 11 ft. wide exiting left turn lane with 50 ft. of storage and taper per AASHTO standards, and one, 11 ft. wide entering lane.

8. **2003S-222U-10**
Sunnybrook Lane Subdivision, (formerly
Sunny Court Subdivision)
Map 130-07, Parcels 97 and 98
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval for 4 lots abutting the east terminus of Iroquois Drive, approximately 300 feet north of Trimble Road, (2.14 acres), classified within the RS20 district, requested by Richard Bacon, owner, Dale & Associates, surveyor. (Deferred from meeting of September 25, 2003).

The Metropolitan Planning Commission deferred Subdivision Plat No. 2003S-222U-10 to the October 23, 2003 meeting, at the applicant's request. (7-0)

X. **FINAL PLATS**

9. **2003S-166U-12**
Tusculum Road Subdivision
Map 162-01, Parcel 42
Subarea 12 (1997)
District 30 (Kerstetter)

A request for final plat approval to subdivide one parcel into two lots, abutting the west margin of Tusculum Road, approximately 500 feet northwest of Brewer Drive (0.94 acres), classified with the R10 District, requested by Stephen Wood, owner, Delle Land Surveying, surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST

Final Plat - Subdivide one lot (0.94 acres) into two lots, located on the west margin of Tusculum Road, approximately 500 feet northwest of Brewer Drive.

ZONING

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

LOT COMPARABILITY - A lot comparability study was done pursuant to the current Subdivision Regulations. Proposed lots in previously subdivided and predominantly developed residential subdivisions are required to be comparable to the existing lots in the area. The lot frontage and square footage of the proposed lots are not comparable to surrounding lots within 300 feet along the blockface.

The minimum allowable lot frontage comparability within 300 feet of the proposed lots 169 feet. The minimum allowable square footage comparability figure in the 300-foot blockface is 27,638 square feet. The area of the lot that is sought to be subdivided by this application is approximately 29,292 square feet. The existing lot, therefore, is smaller than many of the other lots along Tusculum Road.

The lot frontage for each lot in the proposed subdivision is 63.84 feet, which is less than one-half the required frontage. The square footage for lot 1 if subdivided is 19,651. The square footage for lot 2 is 19,641.

LOT WIDTH - The lot width of the proposed lots is less than 25% of the average lot depth. Subdivision Regulation 2-4.2E states that the lot width, at the front yard line stipulated in the Zoning Regulations, shall be not less than twenty-five percent (25%) of the average lot depth. The lot depth is about 275 feet. The front yard line of the proposed lot is about 63 feet, which is less than twenty-five percent of the lot depth.

Staff considered the new lot comparability waiver standards, but does not recommend that the Commission waive lot comparability. Under the new provisions of 2-4.7, the Commission has the discretion to waive the comparability requirements if the proposed lots are consistent with the General Plan, including when the proposed lots are “consistent with the adopted land use policy that applies to the property.”

The approximately 16,500 square foot lots in the proposed subdivision are consistent with the RLM policy that applies to this property, which calls for 2 to 4 dwelling units per acre. Staff recommends, however, that the Commission waive the comparability requirements for this case because the proposed lots are significantly different than the existing lots on this portion of Tusculum Road, and there is no evidence of a trend to increase the density along this portion of Tusculum Road.

SIDEWALK VARIANCE - A sidewalk variance has been requested for the proposed lot to the east. Because there is an existing structure on the lot, the proposed lot with the structure does not need a sidewalk.

STAFF RECOMMENDATION - Staff recommends disapproval of the lot comparability waiver. The lot width of this subdivision is also less than 25% of the average lot depth.

If the Commission approves the subdivision, staff recommends approval of the requested sidewalk variance. Building sidewalks at this mid-block location on Tusculum Road would create an awkward and impractical situation that will not further the goal of an interconnected sidewalk network. Currently, there are no sidewalks along Tusculum Road.

TRAFFIC

Public Works Recommendation - “No Exception Taken.”

Ms. Harris stated that staff is recommending disapproval.

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously to disapprove. **(6-0)**

Resolution No. 2003 –354

“BE IT RESOLVED by the Metropolitan Planning Commission that Final Plat No. 2003S-166U-12 is **DISAPPROVED. (6-0).**”

Councilmember Summers stepped back into the meeting.

Ms. Jones stepped back into the meeting.

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 10. 94-71-G-06**
Bellevue Crossing (Bellevue Mall)
Map 128, Part of Parcel 170
Subarea 6 (2003)
District 22 (Crafton)

A request for final approval for a phase of the Planned Unit Development located abutting the north margin of Highway 70 south and the west margin of the Bellevue Mall Ring Road, classified MUL, (5.43 acres), to permit the development of a 56 townhouse development, requested by Civil Site Design Group, for the Oasis Church, owner.

Staff Recommendation - *Approve with Conditions*

APPLICANT REQUEST

Final PUD - Permit the development of a 56-unit townhouse project on the 5.43-acre portion of the Oasis Church / Townhouse development site of the Bellevue Crossings PUD. The 5.43-acre portion is located north of the church site along the private Bellevue Mall Loop Road and southeast of Interstate 40.

PLAN DETAILS

The proposal is consistent with the revised preliminary PUD plan that was approved by the Metro Planning Commission on July 24, 2003, which proposed the revision to the church and townhouse sites and requested final PUD approval for the church.

The townhouse project calls for 56 units, which will be provided within ten 2-story buildings that will surround an internal circular parking area. The development provides one point of access, in the northeast corner, to the loop road, as well as joint access to the church site.

TRAFFIC ENGINEER’S FINDINGS - Approve

CONDITIONS

1. If this site is to be developed as a Horizontal Property Regime, a final plat must be recorded on the site prior to the issuance of any building permits. This final plat should not provide building footprints or any common or private elements.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 –355

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 94-71-G-06 is APPROVED WITH CONDITIONS. (8-0)

Conditions of Approval:

1. If this site is to be developed as a Horizontal Property Regime, a final plat must be recorded on the site prior to the issuance of any building permits. This final plat should not provide building footprints or any common or private elements.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.

4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

- 11. 206-76-U-08**
St. Luke Geriatric Center
Map 81-02, Parcels 5 and 202
Subarea 8 (2002)
District 21 (Whitmore)

A request for final approval for a phase of the Planned Unit Development located abutting the east margin of Ed Temple Boulevard, south of Clarksville Pike, classified RM40, (2.7 acres), to permit the development of 30 one bedroom, two story multi-family units for the elderly, requested by Barge, Waggoner, Sumner and Cannon, for St. Luke Geriatric Center, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Request for final PUD approval, of the elderly housing portion of the commercial PUD, to allow for the development of a two-story 30-unit multi-family facility for the elderly.

PLAN DETAILS

This PUD was most recently amended before the Metro Council to allow for the proposed expansion in building square footage and living units. In addition, the applicant agreed to revise the PUD boundary lines by incorporating a ¾-acre “leftover” tract that is adjacent to Ed Temple Boulevard. This tract was created as part of the construction of Ed Temple Boulevard and realignment of 28th Avenue North. Metro Council approved the amended PUD plan on July 17, 2003.

The proposed final PUD plan is consistent with the amended preliminary plan, which proposed 30 units for the elderly on a vacant portion of the PUD just east of the existing multi-family housing for the elderly. The new facility will compliment the existing 31,000 square-foot, 48-unit facility located along Ed Temple Boulevard.

The existing housing facility has one point of ingress and egress onto Ed Temple Boulevard. The new facility will utilize this existing access point as well. An existing internal sidewalk network will be extended to the new development to allow for safe pedestrian movement into and around the building as well as to the existing bar-b-que pit area. Maximum allowable density for the PUD is 40 dwelling units per acre. The additional 30 units will bring the proposed density to 14.3 units per acre.

TRAFFIC ENGINEER’S FINDINGS

Metro Public Works states that a formal traffic impact study may be waived. It was determined that the additional units will generate a minimal number of trips and thus, a new TIS is not necessary.

No exceptions taken.

CONDITIONS

1. A minimum 6-foot wall or fence must be provided along the southernmost portion of the parking area of the existing church (the area that abuts the existing residential lots) – as was required per the amended PUD conditions.
2. A final plat that corrects the revised lot lines needs to be recorded before the issuance of any building permits.

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 before the issuance of any building permits.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 –356

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 206-76-U-08 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A minimum 6-foot wall or fence must be provided along the southernmost portion of the parking area of the existing church (the area that abuts the existing residential lots) – as was required per the amended PUD conditions.
2. A final plat that corrects the revised lot lines needs to be recorded before the issuance of any building permits.
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 before the issuance of any building permits.”

-
- 12. 2001P-005U-10**
 Fifth Third Bank
 Map 104-06, Parcels 58, 59 and 60
 Subarea 10 (1994)
 District 21 (Whitmore)

A request to revise the preliminary plan and final approval for the Planned Unit Development located abutting the south margin of Murphy Road, east of I-440, classified ORI, (1.46 acres), to permit the development of a 11,300 square foot 2-story bank, requested by Barge, Waggoner, Sumner and Cannon, for Moore and Associates, owner. (Deferred from meeting of September 25, 2003).

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Final PUD - This request is for final PUD approval to allow a two-story, 11,300 square foot bank with five drive-thru windows at 3415, 3417, and 3419 Murphy Road.

Existing Zoning

ORI/PUD/Urban Zoning Overlay - The property is zoned ORI, which allows office and residential uses. The property falls within the Urban Zoning Overlay (UZO). The Metro Council amended the PUD in August 2003 to change from an 89,507 square foot, 123 room, 6-story hotel to the bank use.

PLAN DETAILS - The proposed 11,300 square foot bank includes a full access driveway on Murphy Court, a right-in/right-out driveway on Murphy Road, and a full access driveway onto Alley #1138 on the eastern side of the property. The proposed plan is consistent with the building layout, access points, and the parking configuration.

Off-Site Road Improvements - The council bill included a condition that stated: “A median shall be installed on Murphy Road to prevent left turns into the project access drive. Right turn in and right turn out only will be allowed.”

After the preliminary plan was approved by Council in August 2003, it became apparent that plans by the Tennessee Department of Transportation (TDOT) for the intersection of Murphy Road and West End Avenue were not consistent with the preliminary PUD requirement for a median in Murphy Road. The TDOT construction plans do not include the required 4-foot median. The proposed final PUD plan has eliminated the 4-foot median, but includes sufficient space in a dedicated turn lane to allow cars turning into Murphy Court to “stack” in that lane. Since there will be a separate center turn lane for westbound traffic entering Murphy Court, cars will not stack in the through-lanes. Public Works and the Planning Department are satisfied that this revision meets the intent of the original condition, which was to prevent cars turning left from stacking in one of the through lanes.

Public Works Recommendations - Approval with conditions, including the following:

[Public Works has] reviewed the TIS, dated April 2003, that was submitted for the Fifth Third Bank on Murphy Road. They recommend the following conditions to mitigate the traffic impact of this project:

1. The left turn lane on Murphy Rd to Murphy Ct will be striped to provide 65 feet of storage without decreasing any storage lane length of the Murphy Rd left turn lane at West End Ave. AASHTO standards will be applied.
2. All required signage for the site will be installed by the developer.

CONDITIONS

1. At a minimum, the façade of the structure shall be red brick on the first-floor, including the rear and all sides of the building at the first floor level.
2. One double-faced, ground mounted sign, not exceeding 6-feet in total height and 30 square feet in sign area, shall be permitted on Murphy Road. The sign shall be supported by a solid base of brick. The brick shall be of the same color used on the structure’s façade as provided in condition No. 2, above.
3. Three wall-mounted signs shall be permitted on the building’s facades. No pole-mounted sign(s) shall be permitted anywhere within the boundary of the PUD.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
6. Any future revisions to the plan may not increase the Floor Area Ratio (FAR) or building height over that approved on the original preliminary PUD plan from 2001 (1.74 FAR, while ORI allows an FAR of up to 3.0); and 6-stories in height, while this site could be developed at up to 10 stories under ORI).
7. Any future use in the ORI district shall be limited to a .75 FAR and consistent with the Urban Zoning Overlay.
8. A PUD amendment, requiring Council action, shall be required if any use is added to this site that would create an FAR of greater than 1.74 for the entire site.

9. The left turn lane on Murphy Rd to Murphy Ct will be striped to provide 65 feet of storage without decreasing any storage lane length of the Murphy Rd. left turn lane at West End Ave. AASHTO standards will be applied.
10. All required signage for the site will be installed by the developer.

Approved with conditions (8-0), Consent Agenda

Resolution No. 2003 –357

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2001P-005U-10 is **APPROVED WITH CONDITIONS. (8-0).**

Conditions of Approval:

1. At a minimum, the façade of the structure shall be red brick on the first-floor, including the rear and all sides of the building at the first floor level.
2. One double-faced, ground mounted sign, not exceeding 6-feet in total height and 30 square feet in sign area, shall be permitted on Murphy Road. The sign shall be supported by a solid base of brick. The brick shall be of the same color used on the structure’s façade as provided in condition No. 2, above.
3. Three wall-mounted signs shall be permitted on the building’s facades. No pole-mounted sign(s) shall be permitted anywhere within the boundary of the PUD.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any bonds for necessary improvements. A PUD boundary plat shall also be submitted in conjunction with the final plat.
6. Any future revisions to the plan may not increase the Floor Area Ratio (FAR) or building height over that approved on the original preliminary PUD plan from 2001 (1.74 FAR, while ORI allows an FAR of up to 3.0); and 6-stories in height, while this site could be developed at up to 10 stories under ORI).
7. Any future use in the ORI district shall be limited to a .75 FAR and consistent with the Urban Zoning Overlay.
8. A PUD amendment, requiring Council action, shall be required if any use is added to this site that would create an FAR of greater than 1.74 for the entire site.
9. The left turn lane on Murphy Rd to Murphy Ct will be striped to provide 65 feet of storage without decreasing any storage lane length of the Murphy Rd. left turn lane at West End Ave. AASHTO standards will be applied.
10. All required signage for the site will be installed by the developer.”

XII. MANDATORY REFERRALS

13. 2003M-100U-10

Close a Portion of Argyle Avenue and Argyle Avenue Name Change to East and West Argyle Avenue
 Map 105-10, Parcel 21
 Subarea 10 (1994)
 District 17 (Greer)

A request to abandon a section of right-of-way on Argyle Avenue, between the intersections of Beech Avenue and Alley #661, because the pavement does not connect between these sections, and to officially close the section of right-of-way, allowing maps to correctly reflect the closure. In addition, a request to rename the remaining sections of Argyle Avenue to West Argyle Avenue, between Hillside and Beech Avenue, and East Argyle Avenue, between Alley #661 and Ridley Boulevard, has been submitted, requested by the Department of Public Works.

Staff Recommendation - Disapprove

APPLICANT REQUEST

A request by the Department of Public Works to abandon a section of right of way on Argyle Avenue, between the intersections of Beech Avenue and Alley #661, because the pavement does not connect between these sections, and to officially close the section of right-of-way, allowing maps to correctly reflect the closure. In addition, a request to rename the remaining sections of Argyle Avenue to West Argyle Avenue, between Hillside and Beech Avenue, and East Argyle Avenue, between Alley #661 and Ridley Boulevard, has been submitted.

DEPARTMENT AND AGENCY COMMENTS

Closure - The Planning Department recommends disapproval of this request. This connection is important to the restoration of the interconnected street system in this area.

The right-of-way is located on the southern border of Reservoir Park, which is a Metro Park. The area sought to be abandoned is currently landscaped and maintained by Metro Parks, and is not open to vehicular traffic. The area is utilized as a neighborhood park and includes a paved court yard with benches built into the surrounding brick fence. The Parks Department has recommended disapproval of the abandonment of this right-of-way.

Public Works is making this request on behalf of CM Greer. The adjacent property owner to the south has requested this closure from the Council Member. The property owner made application for a building permit, but was denied for side street setback. With the closure of this alley, the side street setback would not prevent the building of the house. Typically, applicants apply to the Board of Zoning Appeals for a variance to setbacks.

Street Renaming - Public Works has recommended the name change for the remaining sections of Argyle Avenue to allow for improved E-911 and emergency service response if this right-of-way is abandoned. The official renaming of this street can only be accomplished through an ordinance adopted by the Metro Council.

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

CONDITIONS

If the Commission recommends approval of this road closure and renaming, then the following condition from the Department of Water Services should be included:

1. All easement rights must be retained on Argyle Avenue within the portion being closed. There is an existing 8” water line and a 10” sewer line running between Hillside Avenue and 8th Street South.

Ms. Scott stated that staff is recommending disapproval.

Mr. McLean moved and Mr. Sweat seconded the motion, which passed unanimously, to disapprove. (8-0)

Resolution No. 2003 –358

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-100U-10 is **DISAPPROVED. (8-0).**”

14. **2003M-107U-10**
West End Avenue Sewer Line and Easement
Abandonment and Extension
Map 104-09, Parcels 122 and 123

Subarea 10 (1994)
District 24 (Summers)

A request for a sewer line and easement abandonment, for Project No. 03-SL-34, for the purposes of abandoning the old line and extending a new line for a new development, located at the northwest corner of West End Avenue and Craighead Avenue, requested by the Department of Water and Sewerage Services.

Staff Recommendation -*Approve*

APPLICANT REQUEST

A request, by the Department of Water and Sewerage Services, for a sewer line and easement abandonment and extension of a new line to serve the new development for Project No. 03-SL-34, located at West End Avenue and Craighead Avenue.

APPLICATION REQUIREMENTS - None

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

Planning staff recommends approval of the requested sewer line and easement abandonment and extension.

Approved (8-0), Consent Agenda

Resolution No. 2003 –359

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-107U-10 is **APPROVED.**”

The Commission took a five minute recess 5:25.

Mr. Lawson left the meeting at 5:25

Ms. Cummings left the meeting at 5:25

Mr. McLean reconvened the meeting at 5:30.

-
- 15. 2003M-108G-04**
Bristol Park at Riverchase Sign Encroachment
Map 26-16, Parcel 1
Subarea 4 (1998)
District 10 (Ryman)

A request to encroach on a public right-of-way located at 100 Riverchase Boulevard, on the south margin of North Gallatin Pike, for the purposes of erecting a sign for Riverchase Apartments, requested by the Paul Sheehy, RAM Partners, LLC.

Staff Recommendation -*Disapprove*

APPLICANT REQUEST

A request to encroach on a public right-of-way located at 100 Riverchase Boulevard, on the south margin of North Gallatin Pike, for the purposes of erecting a sign for Riverchase Apartments, requested by Paul Sheehy, RAM Partners, LLC.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes

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

Property Owner Sign Application - Yes

Tenant Sign Application - No

DEPARTMENT AND AGENCY COMMENTS

The request is to erect two 6’ wide by 4’ high sign to be located in the landscaped median in Riverchase Boulevard right-of-way. The proposed “v-shaped” sign will be attached on one end so that it is visible to traffic flowing in both directions on Gallatin Pike.

This is a sign advertising for private business with no benefit to the Metro Government. Staff recommends disapproval of the sign in the public right-of-way. Staff generally recommends disapproval of requests to place private signs in the public right-of-way. The proposed sign would be off-premises, located approximately 950 feet north of the associated property.

Public Works has approved the requested encroachment.

Ms. Scott stated that staff is recommending disapproval.

Mr. Ben Bratcher, representing the Management Company for Bristol Park, stated that he is in favor of this proposal and is requesting approval.

Mr. Tyler expressed concerns regarding site distance and its relation to the sign.

Mr. Clifton expressed concerns regarding the upkeep of public right of way.

Mr. Clifton moved, and Mr. Tyler seconded the motion, which passed unanimously, to approve. **(6-0)**

Resolution No. 2003 –360

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-108G-04 is **APPROVED. (6-0).**”

16. 2003M-109U-03

Close Portion of Unnumbered Alley between North Avondale Circle and Alley #1059
Map 71-02, Parcel 25
Subarea 3 (2003)
District 2 (Isabel)

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

The Metropolitan Planning Commission deferred Mandatory Referral No. 2003M-109U-03 to the October 23, 2003 meeting, at the request of the applicant. (7-0)

17. 2003M-110G-14

Property Acquisition/John Hager Road Widening
Map 98, Various Parcels

Map 98-09, Various Parcels
Subarea 14 (1996)
District 12 (Gotto)

An Ordinance, drafted by the Metropolitan Department of Real Property Services, to widen a section of John Hager Road, beginning on the east margin of South New Hope Road, for the purpose of accommodating a future three lane section, in addition to curb and gutter, grass strip, sidewalk, storm drainage, and associated improvements.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An ordinance authorizing the acquisition of property by negotiation or condemnation along John Hager Road for widening of the existing road to accommodate a future three lane section, curb and gutter, grass strip, sidewalk, storm drainage and associated improvements

DEPARTMENT AND AGENCY COMMENTS - Mandatory Referral 2002M-003G-14 authorized the acquisition of 31.95 acres (Parcels 101 and 163) for an elementary school and a middle school site on the south side of John Hager Road, mid-way on the section to be widened, between New Hope Road and Earhart Road. This widening project, C.I.B. # 02-PW-007 is directly related to that acquisition.

There is an historic property, the Hager/George house, located at 5115 John Hager Road, adjacent to the west of the school site. Efforts to minimize effects to that property are desirable.

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

NES comments: "NES is currently located within the R.O.W. If property is being acquired, NES requests additional property be obtained for line relocation."

Planning staff recommends approval of this proposed property acquisition / road widening.

Approved (8-0), Consent Agenda

Resolution No. 2003 –361

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-110G-14 is **APPROVED. (8-0)**”

- 18. 2003M-111U-12**
Property Acquisition/Edmondson Pike/Cloverland
Drive Road Improvements
Map 172, Various Parcels
Map 172-01, Parcel 19
Map 172-05, Various Parcels
Subarea 12 (1997)
District 31 (Toler)

An Ordinance, drafted by the Metropolitan Department of Real Property Services, requesting acquisition of property at the intersection of Edmondson Pike and Cloverland Drive, for the purpose of intersection improvements.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An ordinance authorizing the acquisition of property by negotiation or condemnation for the Edmondson Pike/Cloverland Drive intersection improvements to add left turn lanes for the northbound Edmondson Pike and eastbound Cloverland Drive and right turn lane for southbound Edmondson Pike.

DEPARTMENT AND AGENCY COMMENTS - None.

RECOMMENDATION - The following departments and agencies have reviewed this request and recommend approval: Public Works, N.E.S., Police, Water Services, and Historical Commission.

Planning staff recommends approval of this property acquisition and road project.

Approved (8-0), Consent Agenda

Resolution No. 2003 –362

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-111U-12 is **APPROVED. (8-0)**”

- 19. 2003M-112G-06**
Close Unbuilt Right-Of-Way, Located on the South
Margin of Harpeth Parkway East
Map 156-03, Parcels 2 and 3
Subarea 6 (2003)
District 35 (Tygard)

A request to close an unbuilt right-of-way, located on the south margin of Harpeth Parkway East, between two residential properties located on Tax Map 156-03, Parcels 002 & 003, for the purposes of abandoning the unused section, requested by Rick Armstrong and Douglas Bishop, owners.

Mandatory Referral No. 2003M-112G-06 was WITHDRAWN at the request of the applicant.

XIII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 5:35 p.m.

Chairman

Secretary

