

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: September 12, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Douglas Small, Vice Chairman
Councilmember John Summers
Victor Tyler

Absent:

Mayor Bill Purcell
Ann Nielson

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Chris Wooton, Planning Technician 1

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following change to the agenda:

15. 87-84-U-13 should be 84-87U-13

Mr. Clifton moved and Ms. Cummings seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Mr. Clifton moved and Ms. Cummings seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of August 22, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black spoke in favor of 2002z-086U-03.

Councilmember Bob Bogen requested item 3. 2002Z-093G-06 be taken off of the consent agenda.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- 5. 2002Z-095G-12 Deferred indefinitely
- 10 98S-129U-10 Deferred indefinitely
- 16. 88P-00iG-12 Deferred indefinitely

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

PUBLIC HEARING

PUBLIC HEARING: CONSENT AGENDA

Note: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

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

ZONING MAP AMENDMENTS

- 1. 2002Z-021T**
Council Bill No. BL2002-1171

A request to amend the text of the Zoning Code to establish buffering distances between waste facilities and parks and schools, and by defining the term "park," requested by Councilmember Feller Brown.

Project No. Text Change 2002Z-021T
Associated Case None
Council Bill BL2002-1171
Staff Reviewer Leeman

Staff Recommendation Approve as amended

REQUEST Change the text of the Zoning Code to establish buffering distances between waste facilities and parks and schools, and by defining the term “park.”

AMENDMENT PURPOSE The purpose of this text amendment is to substitute a 1,000-foot buffer for the existing 2-mile buffer. After reviewing this matter, the Metropolitan Health Department, Pollution Control Division (PCD), determined that a 1,000-foot buffer from the active area of a landfill or a waste transfer station to the nearest school or park would be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat.

The proposed amendments will effectively require landfills and waste transfer stations to be located at least 1,000 feet from the property line of any school or park. The PCD has conducted a literature review of similar setback requirements, finding the proposed setback of 1,000 feet to be consistent with requirements of other localities provided that the setback is from the property line of the park or school to the active area of the landfill.

The predominate air pollutants emitted from the operation of a typical landfill or waste transfer station would be particulate matter in the form of fugitive dust and nuisance odors. The PCD is of the opinion that a 1,000 foot setback from the active area of a landfill or a waste transfer station to the nearest school, park, or residence would be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat. This opinion is based on the assumption that the facilities would be operated in full compliance with all applicable federal, state, and local regulations including Section 10.56.170 “Emission of Gases, Vapors or Objectionable Odors” and Section 10.56.190 “Controlling Wind-borne Materials” of Chapter 10.56 “Air Pollution Control” of the Metropolitan Code of Laws.

The specific changes to the Zoning Code are listed below:

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations is hereby amended as follows:

Section 17.16.110 A.2. Setback by deleting the words “two miles” and replacing them with the words “one thousand feet”.

Section 2. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations is hereby amended as follows:

Section 17.16.110 B.3. Setback by deleting the period at the end of the sentence and adding the following provision:

“, and further the facility shall not be located less than one thousand feet of the property line of any school or park.”

Section 3. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County is hereby amended as follows:

Section 17.16.210 A.1. Setback. by deleting the words “two miles” and replacing them with the words “one thousand feet”.

Section 4. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County is hereby amended as follows:

Section 17.16.210 B.2. Setback. by deleting the period at the end of the sentence and adding the following provision:

“, and further the facility shall not be located less than one thousand feet of the property line of any school or park.”

Section 5. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

Section 17.16.210 C.3. Setback. by deleting the period a the end of the sentence and adding the following provision:

“, and further the facility shall not be located within one thousand feet of the property line of any school or park.”

Section 6. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

Section 17.04.060 B. General Terms. by adding the following definition:

“Park” means any facility that is: 1) open to the public for recreational uses, including, but not limited to, hiking, swimming, boating, camping; 2) predominately kept in a natural state; 3) property of the local, state or federal government, or any department or agency thereof, specifically designated as a park, natural area or recreation area; and 4) any other facility defined as such under the Metropolitan Code of Laws § 13.24.010.

Section 7. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

Section 17.16.040 A.2. Setback by deleting the period at the end of the sentence and adding the following language:

Notwithstanding any other provision of the Metropolitan Code of Laws, no new Community Education facility, as defined in Metropolitan Code of Law section 17.04.060 B., shall henceforth be constructed within 1,000 feet of the property line of any Landfill or other Waste Disposal or Transfer Facility.

Section 8. That Title 17 of the Code of the Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

By adding the following language as a new section:

Notwithstanding any other provision of the Metropolitan Code of Laws, no new Park, as herein defined, except a Greenway, shall henceforth be constructed within 1000 feet of the property line of any Landfill or other Waste Disposal or Transfer Facility.

Resolution No. 2002-306

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-021T is **APPROVED as amended (7-0)**:

Reducing the required buffer between waste facilities and parks and schools from 2 miles to 1,000 feet will be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat."

6. 2002Z-096U-12

Map 147, Parcel 14

Subarea 12 (1997)

District 26 (Arriola)

A request to change from RM20 district to OR20 district property at 350 Wallace Road, approximately 1,000 feet east of Nolensville Pike, (1.45 acres), requested by Manaman Grant, owner.

Project No. Zone Change 2002Z-096U-12

Council Bill None

Associated Cases None

Staff Reviewer Hardison

Staff Recommendation Approve

APPLICANT REQUEST Rezone 1.45 acres from Residential Multi-Family (RM20) to Office/Multi-Family Residential (OR20) at 350 Wallace Road.

Existing Zoning

RM20 zoning RM20 is intended for multi-family residential at 20 units per acre.

Proposed Zoning

OR20 zoning OR20 is intended for office and multi-family residential at 20 units per acre.

SUBAREA 12 PLAN Policy

Office Concentration (OC) OC policy is intended for large concentrations of office uses.

Policy Conflict None. OR20 district is consistent with the Subarea 12 Plan's OC policy. This property is situated between an OR20 zoned property to the west, RM20 zoned property to the north, and recently approved by the Planning Commission OL property to the east.

RECENT REZONINGS Yes. MPC recommended approval on 8/22/02 (2002Z-080U-12) rezoning parcel 7 from R6 to OL, and on 7/25/02 (2002Z-074U-12) rezoning parcels 17 and 182 from RM20 and R6 to OL.

TRAFFIC Based on typical uses in OR20 zoning, with on site parking allowing 10,000 sq. ft. of office development per acre or 29 apartment units which could be developed with the OR20 zoning, approximately 192 to 524 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.
Traffic Engineer's Findings Approve

SCHOOLS

Students Generated 4 Elementary 3 Middle 2 High School

Schools Over/Under Capacity Students will attend Haywood Elementary School, McMurray Middle School, and Overton High School. Haywood Elementary and McMurray Middle have been identified as being overcrowded by the Metro School Board, but Overton High School has not been identified as being overcrowded.

Resolution No. 2002-307

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-096U-12 is **APPROVED (7-0)**:

The proposed OR20 district is consistent with the Subarea 12 Plan's Office Concentration (OC) policy. This property is situated between an OR20 zoned property to the west, RM20 zoned property to the north, and recently approved by the Planning Commission OL property to the east. It is consistent with the emerging zoning pattern in the area."

7. **2002Z-098G-06**
Map 102, Part of Parcel 77
Subarea 6 (1996)
District 23 (Bogen)

A request to change from RS80 district to AR2a district a part of property at 7132 Charlotte Pike, abutting the western margin of Charlotte Pike, (3.68 acres), requested by Jay West of Bone McAllester Norton, PLLC, appellant, for PCS Realty, owner.

Project No. Zone Change 2002Z-098G-06
Associated Case None
Council Bill None
Staff Reviewer Leeman

Staff Recommendation Approve. The proposed AR2a district is consistent with the Subarea 6 Plan's Natural Conservation (NC) policy calling for very low-intensity development and the preservation of the steep topography in the area.

APPLICANT REQUEST This request is to rezone a 3.68-acre portion of property from residential single-family (RS80) to agricultural (AR2a) at 7132 Charlotte Pike.

The front portion of this site, currently zoned CS, falls within the Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy along Charlotte Pike. The applicant is requesting to change the zoning on the rear portion of the site. While AR2a permits a variety of uses, the applicant has indicated an intention to use the property for walking trails for dogs temporarily residing in kennels on the adjacent property (parcel 75).

Existing Zoning

RS80 zoning RS80 zoning is intended for single-family residential development with a minimum lot size of 80,000 square feet and a maximum density of 0.46 units per acre.

Proposed Zoning

AR2a zoning AR2a zoning is intended for residential dwellings requiring 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. AR2a also allows for kennels and stables as a Special Exception (SE), requiring Board of Zoning Appeals approval.

SUBAREA 6 PLAN

Policy

Natural Conservation (NC) NC policy is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban intensities.

Policy Conflict No. The AR2a district is consistent with the Subarea 6 Plan's NC policy calling for low-intensity development and the preservation of the steep slopes in the area.

TRAFFIC Charlotte Pike is classified as a U4 on the Major Street Plan. Charlotte Pike currently has approximately 26 feet of pavement width at this location.

Traffic Engineer's

Findings Approve.

SCHOOLS

Students Generated _0_ Elementary _0_ Middle _0_ High Schools

Resolution No. 2002-308

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-098G-06 is **APPROVED (7-0)**:

The proposed AR2a district is consistent with the Subarea 6 Plan's Natural Conservation (NC) policy calling for very low-intensity development and the preservation of the steep topography in the area."

PRELIMINARY PLAT SUBDIVISIONS

8. 2002S-183U-05

H. G. HILLS CENTER, Resubdivision of Lot 1
Map 60-4, Parcel 37
Subarea 5 (1994)
District 4 (Majors)

A request for preliminary and final plat approval to subdivide one lot into five lots abutting the north margin of Broadmoor Drive, between Dickerson Pike and Hillside Road, (9.51 acres), classified within the RS10 and CS districts, requested by H. G. Hill Realty Company, Inc., owner/developer, Cherry Land Surveying, surveyor.

Project No. Subdivision 2002S-183U-05

Project Name H.G. Hills Center, Resubdivision of Lot 1

Associated Cases None

Staff Reviewer Mitchell

Staff Recommendation Approve with conditions subject to a subdivision variance for lot comparability and a revised plat prior to recordation.

APPLICANT REQUEST

____ Preliminary Plat X Preliminary & Final Plat ____ Final Plat

Subdivide existing Lot 1, which is the current location of an H.G. Hills grocery store, into a 5-lot subdivision, thereby creating four residential lots along Hillside Road.

ZONING CS district, which provides for a diverse range of commercial uses, and RS10 district, requiring a minimum lot size of 10,000 sq. ft.

SUBDIVISION DETAILS

Ewing Creek Ewing Creek flows through the existing Lot 1 adjacent to the southern property line, along Broadmoor Drive, and under Hillside Road. The applicant has provided a 25-foot buffer, extending northward from the top of bank, along the entire length of the creek as it passes through the existing Lot 1 and to the south of proposed Lot 2. In addition to the buffer provision, a note has been added the plat stating that the surface within the buffer zone will remain in a natural state and not disturbed by construction activity.

The Stormwater Division of Metro Water Services Department stated that since the existing flood study does not include this portion of the creek, or Lot 1, and because the creek ditch flows through the subject property, grading plans must be approved prior to any hearing before the Metro Planning Commission.

Resubdivision Details The existing Lot 1 is an irregular-shaped lot that abuts Dickerson Pike, Broadmoor Drive, and Hillside Road. This lot crosses two zoning classifications, CS and RS10, of which the H.G. Hill grocery store and Advance Auto Parts are located within the CS district.

The applicant is proposing to create four residential lots within the RS10 portion of Lot 1 – of which all four lots will front Hillside Road. The four residential lots meet minimum lot size requirements by ranging from 10,285 sq. ft. to 13,436 sq. ft.

SUBDIVISION VARIANCES

Lot Comparability

(Section 2-4.7) Applicant is requesting a lot comparability variance for lot frontage. The subdivision regulations require that the minimum frontage of proposed lot(s) equal 90% of the average frontage of the applicable surrounding lots. Having completed the lot comparability study for the proposed resubdivision, the minimum lot frontage requirement is 57 feet. The proposed 53.25 feet of actual property frontage for Lot 2 has been created by the provision of the 25-foot Ewing Creek buffer; however, Lot 2 will actually appear wider than 53.25 feet because of the 25-foot buffer.

Recommendation Staff recommends approval of the requested subdivision variance because the required 25-foot stream buffer creates a hardship for actual lot frontage, even though Lot 2 will actually appear to provide approximately 78 feet of frontage.

TRAFFIC ENGINEER'S

FINDINGS Approval

CONDITIONS Staff recommends conditional approval of this plat subject to a subdivision variance for lot comparability and a revised plat being submitted prior to recordation:

The Metro Department of Water Services prior to the Planning Commission meeting must approve grading plans.

Zoning district, as delineated on plat, needs to be revised to reflect RS10 instead of R10. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Resolution No. 2002-309

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-183U-05, is, **APPROVED WITH CONDITIONS (7-0).**”

9. 2002S-235G-12

LENOX VILLAGE 2, Sections 1A, 2 and 3
Map 173, Parcel 73 and Part of Parcels 75 and 220
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval to create 54 lots, (14.83 acres), and to revise portions of two preliminary plats (Barnes Cove and Addition to Sugar Valley), located approximately 620 feet east of Nolensville Pike and approximately 440 feet north of Hills Chapel Road, classified within the RS10 district, requested by Lenox Village II, LLC., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Project No. Subdivision 2002S-235G-12
Project Name Lenox Village 2, Sections 1A, 2, and 3
Associated Cases Barnes Cove (2000S-078G-12) and Addition to Sugar Valley (2001S-166G-12)
Staff Reviewer Jones

Staff Recommendation Approve

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 14.83 acres into 54 lots using the Cluster Lot Option, and revise a portion of Barnes Cove preliminary plat (approved 4/13/2000) and a portion of Addition to Sugar Valley preliminary plat (approved 6/7/2001).

ZONING RS10 district requiring minimum lot size of 10,000 square feet (maximum density of 3.7 units per acre).

CLUSTER LOT Applicant proposes to utilize the Cluster Lot Option and reduce lots two base zoning districts, from RS10 (minimum 10,000 sq. ft. lot) to RS5 (minimum 5,000 sq. ft. lot).

SUBDIVISION DETAILS The proposed preliminary plat and revisions will create a unified subdivision under the name “Lenox Village 2.” Lenox Village 2 will provide a mixture of housing types, and will provide a transition from conventional suburban development into the Lenox Village traditional neighborhood development.

Lenox Village 2, Section 2 Creates 54 new lots. The proposed density is 3.6 units per acre. The proposed lots exceed the 5,000 square-foot minimum lot size requirement.

Three street connections are made to the north, and two street connections are made to the south.

A tributary of Mill Creek runs through the middle of the property. The tributary is being preserved within a buffer, and the stream and buffer are located within common open space. The hillside within the western portion of the property will be preserved as a backdrop for the neighborhood.

Staff recommends approval of the new preliminary subdivision plat.

Lenox Village 2, Section 1A Revises a portion of the approved Addition to Sugar Valley preliminary plat, and changes the name of the portion to "Lenox Village 2, Section 1A." This revision closely resembles the approved preliminary plat.

One additional lot has been created with the revision. An additional street connection is made into Lenox Village 2, Section 2, and a street that crosses the tributary has been eliminated.

Staff feels that the revision is more environmentally sensitive than the approved preliminary plat by eliminating the stream crossing. The revision also increases street connectivity to adjacent parcels by providing an additional connection to Lenox Village 2, Section 2.

Staff recommends approval of the revision to the approved preliminary plat.

Lenox Village 2, Section 3Revises a portion of the approved Barnes Cove preliminary plat, and changes the name of the portion to "Lenox Village 2, Section 3." The revision proposes to make significant changes to a portion of the approved preliminary plat. Staff supports the proposed changes.

The changes are as follows:

Creates two additional lots;

Eliminates a street crossing over the stream and buffer;

Eliminates a cul-de-sac, and creates an additional connection to the Lenox Village traditional neighborhood development;

Creates an additional connection to the property to the south;

Eliminates lots backing up to the stream and buffer, thereby allowing greater access to the stream;

Introduces narrow, alley-loaded lots that will provide a transition into the mixture of housing types offered within the Lenox Village traditional neighborhood development; and

Preserves the hillside behind the alley-loaded lots as a backdrop for the neighborhood.

Staff recommends approval of the revision to the approved preliminary plat.

SUBDIVISION VARIANCES None

TRAFFIC ENGINEER'S
FINDINGS None

Resolution No. 2002-310

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-235G-12, is, **APPROVED (7-0).**"

FINAL PLATS

11. 2001S-141U-4
COATS INDUSTRIAL PARK
Map 60-4, Parcel 18
Subarea 5 (1994)
District 4 (Majors)

A request to revise the preliminary and for final plat approval, subject to a variance for sidewalks, to create six lots abutting the west margin of Dickerson Pike, opposite Maplewood Lane, (14.09 acres), classified within the CS district, requested by William M. Coats, owner/developer, Dale and Associates, Inc., surveyor. (Deferred from meeting of 8/22/02).

Project No. Subdivision 2001S-141U-04
Project Name Coats Industrial Subdivision
Associated Cases None
Deferral Applicant requested deferral of item at 8/22/02
MPC meeting.
Staff Reviewer Mitchell

Staff Recommendation Approve with conditions subject to a subdivision variance for sidewalks along Dickerson Pike and a revised plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat Revise Preliminary & Final Plat Final Plat

Subdivide a 14-acre tract into a 6-lot industrial subdivision, with lots ranging in size from 0.6 acres to 5.8 acres and located on the west side of Dickerson Pike south of Briley Parkway.

Applicant is requesting to revise the preliminary plat by 1) removing one lot, and 2) by removing the requirement to only allow access to lots 1 and 2 via the proposed West Maplewood Drive. Pursuant to discussions with Metro Public Works and both departments' concerns with safety at that intersection, staff does not support access to lots 1 and 2 via Dickerson Pike.

ZONING CS district, which provides for a diverse range of commercial uses that include retail trade and consumer services, auto sales and repair, small-scale custom assembly, restaurants, entertainment and amusement establishments, and financial and administrative services.

SUBAREA 5 POLICY This subdivision falls within the Subarea 5 Policy's Retail Concentration Community (RCC) policy stating that it is recognized that this is a prime location for commercial development, and since this area is near the I-65 / Dickerson Pike interchange and abuts CMC policy, the potential exists for highway-oriented land uses to locate here.

SUBDIVISION DETAILS Proposal is consistent with the preliminary subdivision plat, approved by the Metro Planning Commission on May 10, 2001, which created a 7-lot industrial subdivision with lot sizes ranging from 0.7 acres to 4.8 acres.

As a condition of approval for the preliminary subdivision plat, the applicant was required to coordinate with the Tennessee Department of Transportation (TDOT) and Metro Public Works and then provide for the installation of new traffic signals at the intersection of Dickerson Pike, West Maplewood Lane, and Maplewood Lane.

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) Applicant is requesting a variance for the installation of sidewalks along Dickerson Pike. Since the applicant is creating a permanent dead-end roadway – West Maplewood Lane – sidewalks will be placed within this right-of-way and the request to vary from the sidewalk requirement along Dickerson Pike does not include West Maplewood Lane.

Metro Public Works Department conducted an analysis of the existing roadway and the request to vary from the sidewalk requirement. As stated in the report, this property lies along the west margin of Dickerson Pike. The road at this location has five lanes of pavement, no shoulder, and an open ditch. The ditch appears to be steep and is overgrown. There are no adjacent sidewalks. This stretch of Dickerson Pike is a state route; therefore, any alteration of the roadway, including curbs, sidewalks, and driveway connections will require additional coordination and approval by the Tennessee Department of Transportation. The applicant will be responsible for securing state approvals.

The applicant coordinated with TDOT and the following statement was provided: “Due to the nature of this industrial development and no adjacent residential development or sidewalks within one mile, TDOT will not require sidewalks on the state route fronting the Coats Industrial Park Development.”

Recommendation Staff recommends approval of the requested subdivision variance to not place sidewalks along Dickerson Pike based upon the following information:

TDOT is not actively seeking sidewalks along this section of state roadway.

This roadway is designated on the Major Street Plan as a 4-lane major arterial – of which this designation has been achieved.

The ditch section fronting the subject site is such that a significant amount of fill would be required to bring the sidewalk, curb, and gutter even with the current level of the roadway.

Staff recommends the preservation of an existing stone wall that would be destroyed upon the installation of a sidewalk.

**TRAFFIC ENGINEER’S
FINDINGS Approval**

CONDITIONS Staff recommends conditional approval of this plat subject to a subdivision variance for sidewalks along Dickerson Pike and a revised plat being submitted prior to recordation:

Add the following note to plat: “Access to lots 1 and 2 shall be limited to West Maplewood Drive, and lots 3 and 4 shall share a 36-foot wide access unless otherwise approved by Metro Public Works and the Metro Planning Commission.”

Add the following note to plat: “Existing stone wall along Dickerson Pike shall be preserved and protected from any future development.”

A 2-foot reservation of right-of-way must be established along the entire frontage of Dickerson Pike and shown on the plat.

Sidewalks, proposed in accordance with current Metro Public Works design criteria, need to be placed on the plat along both sides of West Maplewood Lane.

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

Resolution No. 2002-311

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-141U-4, is **APPROVED WITH REVISED CONDITIONS (7-0)**.

Staff recommends approval of the final plat subject to the following conditions:

1. Lots 3 and 4 shall share a 36-foot wide access unless otherwise approved by Metro Public Works and the Metro Planning Commission.
2. A 2-foot right-of-way reservation must be established along the entire frontage of Dickerson Pike and shown on the plat.
3. Sidewalks, proposed in accordance with current Metro Public Works design criteria, need to be placed on the plat along both sides of west Maplewood Lane and along Dickerson Pike fronting the subject property.”

PLANNED UNIT DEVELOPMENTS (revisions)

- 14. 36-76-G-14**
Belle Acres Section 2, Phase 2
Map 95-2, Part of Parcel 99
Subarea 14 (1996)
District 14 (Stanley)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the north margin of Lebanon Pike, 450 feet north of Lisa Lane, classified within the RS10 district, (5 acres), to permit the development of 46 multi-family units, requested by Dale & Associates, for Asgard Group LLC, owners.

Project No. Planned Unit Development 36-76-G-14
Project Name Belle Acres, Section 2, Phase 2
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation Approve with conditions. The proposed final plan is consistent with the approved preliminary PUD plan. This plan will be conditioned upon the approval by the Metro Water Services Department of the grading plans.

APPLICANT REQUEST

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

This request is for final PUD approval to develop 46 multi-family units in Phase 2 of the townhome portion of the plan. The Planning Commission approved the same number of units on April 23, 2001, on a revised preliminary PUD plan. This plan is consistent with that plan. The final PUD plan includes the same building layout and greenway dedication along Mill Creek.

Existing Zoning

RS10/Res. PUD Preliminary PUD was approved on May 26, 1976, for 240 apartment units in Section 2 of the development. The plan has since been revised to include single-family and townhome units. Most recently, the plan was revised in 2001 to include 135 townhomes in Phase Two. The plan is grandfathered to permit multi-family units within the RS10 district, a single-family district.

TRAFFIC The developer was required to construct a left-turn lane on Lebanon Road into the entrance.

Resolution No. 2002-312

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 36-76-G-14 is given **CONDITIONAL FINAL PUD APPROVAL (7-0)**. The following conditions apply:
The following conditions apply:

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

15. 84-87-U-13
The Crossings
Map 174, Parcels 174 and 196
Subarea 13 (1996)

District 28 (Alexander)

A request to revise the preliminary plan and for final approval for two lots of the Commercial Planned Unit Development District located abutting the east margin of Crossings Boulevard at Crossings Circle, classified within the R10 district, (5.73 acres), to permit the addition of 10,129 square feet to the existing 15,500 square foot medical facility, and to permit the development of a 10,910 square foot medical office building on a parcel approved for a 40,000 square foot commercial use, requested by Ragan-Smith Associates, for Longview Enterprises owner.

Project No. Planned Unit Development 87-84-U-13
Project Name The Crossings
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation Approve with conditions, including a variance to the Subdivision Regulations to reduce the required grass strip from 4 feet to 2 feet and a condition that a final plat is recorded prior to the issuance of any building permits.

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary plan and for final approval to permit a 10,129 square foot addition to the existing 15,500 square foot medical office building. This plan also redesigns an undeveloped portion of the plan to allow a 10,910 square foot medical office building, replacing an undeveloped 40,000 square foot commercial use.

The plan also proposes to shift the property line between the two buildings approximately 90 feet to the east to accommodate the addition to the medical office building.

Existing Zoning

RS10/Res. PUD The preliminary PUD plan was originally approved by the Metro Council in 1987 and is partially developed. The plan was approved for a total of 1,685,176 square feet of commercial, restaurant, and retail uses.

Subarea 13 Plan

Regional Activity Center (RAC) This proposal is consistent with the Subarea 13 Plan's Regional Activity Center (RAC) policy calling for a wide range of commercial, residential, and office uses associated with the Hickory Hollow Mall.

Subdivision Variance

(Section 2-6.1) The plan proposes to reduce the required four-foot grass strip between the curb and the sidewalk to two-feet in order to protect several existing trees beside Crossing Boulevard. Staff recommends approval of the variance since this road was approved under the previous Zoning Code, which did not require sidewalks. Therefore, this new sidewalk has to be retrofitted to fit in with the landscaping that was approved on the original PUD plan.

Resolution No. 2002-313

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-U-13 is given. **CONDITIONAL APPROVAL WITH A VARIANCE TO REDUCE THE 4-FOOT GRASS STRIP TO 2-FEET ALONG CROSSING BOULEVARD, AND TO REVISE THE PRELIMINARY AND FINAL PUD APPROVAL (7-0).** The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. Prior to the issuance of any building permits, a final plat shall be recorded reflecting the relocated property line and including any bonds for necessary public improvements.
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."

MANDATORY REFERRALS

17. 2002M-087U-08
 Council Bill No. BL2002-1169
 Lease Renewal for Nashville Career Advancement Center
 Map 70-10, Parcel 14
 Subarea 8 (1995)
 District 20 (Haddox)

An ordinance approving a lease agreement between Duke Realty Limited Partnership and the Metropolitan Government of Nashville and Davidson County, acting through the Nashville Career Advancement Center, for property located at 621 Mainstream Drive, commonly known as Corners II, for the renewal of 22,182 square feet of office space, as requested by the Director of Metro Public Property Administration.

Project No. Mandatory Referral 2002M-087U-08
 Project Name Lease Renewal for Nashville Career Advancement Center – 621 Mainstream Dr.
 Council Bill BL2002-1169
 Associated Case None
 Staff Reviewer Mitchell

Staff Recommendation Approve

APPLICANT REQUEST An ordinance approving a lease agreement between Duke Realty Limited Partnership and the Metropolitan Government of Nashville and Davidson County, acting through the Nashville Career Advancement Center, for property located at 621 Mainstream Drive, commonly known as Corners II, for the renewal of 22,182 square feet of office space, as requested by the Director of Metro Public Property Administration.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY COMMENTS None
 RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-314

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-087U-08 is **APPROVED (7-0)**:

An ordinance approving a lease agreement between Duke Realty Limited Partnership and the Metropolitan Government of Nashville and Davidson County, acting through the Nashville Career Advancement Center, for property located at 621 Mainstream Drive, commonly known as Corners II, for the renewal of 22,182 square feet of office space, as requested by the Director of Metro Public Property Administration.”

18. 2002M-088U-13

Council Bill No. BL2002-1163
Luton Center Lease Agreement
Map 134, Parcel 302
Subarea 13 (1996)
District 27 (Sontany)

An ordinance approving a lease agreement between the Metropolitan Nashville Airport Authority (MNAA) and the Metropolitan Government of Nashville and Davidson County for property known as the Luton Center, located at the Nashville International Airport, in order to provide temporary space for the operation of an Emergency 911 Center, requested by the Director of Metro Public Property Administration.

Project No. Mandatory Referral 2002M-088U-13
Project Name Luton Center Lease Agreement
Council Bill BL2002-1163
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation Approve

APPLICANT REQUEST An ordinance approving a lease agreement between the Metropolitan Nashville Airport Authority (MNAA) and the Metropolitan Government of Nashville and Davidson County for property known as the Luton Center, located at the Nashville International Airport, in order to provide temporary space for the operation of an Emergency 911 Center, requested by the Director of Metro Public Property Administration.

APPLICATION
REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-315

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-088U-13 is **APPROVED (7-0)**:

An ordinance approving a lease agreement between the Metropolitan Nashville Airport Authority (MNAA) and the Metropolitan Government of Nashville and Davidson County for property known as the Luton Center, located at the Nashville International Airport, in order to provide temporary space for the operation of an Emergency 911 Center, requested by the Director of Metro Public Property Administration.”

19. 2002M-089G-14

Easement Reduction for 4009 Lake Parkway,
Lake Park, Section 1
Map 97-8, Parcel 9
Subarea 14 (1996)

District 12 (Ponder)

A request to abandon a portion of an existing public utility and drainage easement and retain a 10-foot wide portion of the existing public utility and drainage easement to run the entire length of the rear property line, 139.10 feet, for Project No. 02-SW-120, located at 4009 Lake Parkway, requested by the Department of Water and Sewerage Services, appellant, for Ernest J. Phipps, owner.

Project No. Mandatory Referral 2002M-089G-14
Project Name Easement Reduction for 4009 Lake Parkway, Lake Park Subdivision, Sec. 1
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation Approve

APPLICANT REQUEST A request to abandon a portion of an existing Public Utility & Drainage Easement and retain a 10-foot wide portion of the existing Public Utility & Drainage Easement to run the entire length of the rear property line, 139.10 feet, for Project No. 02-SW-120, located at 4009 Lake Parkway, requested by the Department of Water and Sewerage Services, appellant, for Ernest J. Phipps, owner.

APPLICATION
REQUIREMENTS None

DEPARTMENT AND AGENCY
COMMENTS None
RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-316

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-089G-14 is **APPROVED (7-0)**:

A request to abandon a portion of an existing public utility and drainage easement and retain a 10-foot wide portion of the existing public utility and drainage easement to run the entire length of the rear property line, 139.10 feet, for Project No. 02-SW-120, located at 4009 Lake Parkway, requested by the Department of Water and Sewerage Services, appellant, for Ernest J. Phipps, owner."

20. 2002M-090U-09
Abandon Various Portions of Rights-of-Way
for Symphony Hall Site
Map 93-6-4, Parcel 62
Subarea 9 (1997)
District 19 (Wallace)

A request to abandon the following rights-of-way: Southeast corner of 4th Avenue South at Shelby Street; the Northeast corner of 4th Avenue South at Demonbreun Street; and the Southwest corner of 3rd Avenue South at Shelby Street, requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner.

Project No. Mandatory Referral 2002M-090U-09
Project Name Abandon Various Portions of Rights-of-Way for Symphony Hall Site
Council Bill None
Associated Case 2002S-245U-09

Staff Reviewer Mitchell

Staff Recommendation Conditional Approval, subject to receiving approval from all reviewing agencies.

APPLICATION REQUEST A request to abandon the following rights-of-way: Southeast corner of 4th Avenue South at Shelby Street; Northeast corner of 4th Avenue South at Demonbreun Street; and Southwest corner of 3rd Avenue South at Shelby Street, Requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner. Easements and utilities associated with these rights-of-way are requested to be abandoned and relocated at the applicant's expense.

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners No – None required. No abutting properties since this site encompasses entire block and property owned by Metropolitan Government of Nashville & Davidson County.

DEPARTMENT AND AGENCY

COMMENTS Staff received a call from Nashville Electric Service (NES) expressing concerns over the abandonment of the block corners relative to existing power poles. Staff is expected to receive final word on this matter prior to the Planning Commission meeting.

RECOMMENDATION Staff recommends approval contingent on receiving approval from all reviewing agencies.

Resolution No. 2002-317

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-090U-09 is **APPROVED (7-0) with addition that all easements are to be retained:**

A request to abandon the following rights-of-way: Southeast corner of 4th Avenue South at Shelby Street; the Northeast corner of 4th Avenue South at Demonbreun Street; and the Southwest corner of 3rd Avenue South at Shelby Street, requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner."

21. 2002M-091U-09

Abandon Public Utility Easements for Symphony Hall Site
Map 93-6-4, Parcel 62
Subarea 9 (1997)
District 19 (Wallace)

A request to abandon a 57-foot public utility easement along the north property line (within the former McGavock Street R.O.W.) and a 20-foot sewer easement running from the north property line southeast to the corner of 3rd Avenue South and Demonbreun Street, both located within parcel 62 on the site of the future Symphony Hall, requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner.

Project No. Mandatory Referral 2002M-091U-09
Project Name Abandon Public Utility Easements for Symphony Hall Site
Council Bill None
Associated Case 2002S-245U-09
Staff Reviewer Mitchell

Staff Recommendation Conditional Approval, subject to receiving approval from all reviewing agencies.

APPLICANT REQUEST A request to abandon a 57-foot Public Utility Easement along the north property line (within the former McGavock Street R.O.W.) and a 20-foot Sewer Easement running from the north property line southeast to the corner of 3rd Avenue South and Demonbreun Street, both located within parcel 62 on the site of the future Symphony Hall, requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner.

APPLICATION REQUIREMENTS

Signatures of All Abutting &

Affected Property Owners No – None required. No abutting properties since this site encompasses entire block and property owned by Metropolitan Government of Nashville & Davidson County.

DEPARTMENT AND AGENCY

COMMENTS Metro Water Services is discussing this application request internally, and staff is expected to receive final word on this matter prior to the Planning Commission meeting.

RECOMMENDATION Staff recommends approval contingent on receiving approval from all reviewing agencies.

Resolution No. 2002-318

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-091U-09 is **APPROVED (7-0)**:

A request to abandon a 57-foot public utility easement along the north property line (within the former McGavock Street R.O.W.) and a 20-foot sewer easement running from the north property line southeast to the corner of 3rd Avenue South and Demonbreun Street, both located within parcel 62 on the site of the future Symphony Hall, requested by Barge, Waggoner, Sumner & Cannon, Inc., appellant, for Metropolitan Government, owner."

22. 2002M-092G-06

Metro Government/JDN Realty/Wal-Mart
Easement Agreement
Map 102, Parcels 80-87
Subarea 6 (1996)
District 23 (Bogen)

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, JDN Realty Corporation, and Wal-Mart Real Estate Business Trust for the establishment of access, drainage, and maintenance rights relating to the donation of a parcel of property to the Metropolitan Government for use as part of the Park & Greenway System, located north of Charlotte Pike and River Road and south of the Cumberland River, as requested by the Director of Metro Parks and Recreation.

Project No. Mandatory Referral 2002M-092G-06
Project Name Metro Government / JDN Realty / Wal-Mart Easement Agreement
Council Bill Yet to be filed
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation Approve

APPLICATION REQUEST An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, JDN Realty Corporation, and Wal-Mart Real Estate Business Trust for the establishment of access, drainage, and maintenance rights relating to the donation of

a parcel of property to the Metropolitan Government for use as part of the Park & Greenway System, located north of Charlotte Pike and River Road and south of the Cumberland River.

Pursuant to Ordinance BL2001-691, JDN Realty Corporation donated a parcel of property, adjacent to the existing Lowe's Home Improvement and Wal-Mart Supercenter, for use as part of the Park & Greenway System.

The agreement establishes that JDN Realty and Wal-Mart propose to grant to Metro Government a permanent access easement to the donated property; and in return, Metro Government proposes to grant to JDN Realty and Wal-Mart an access and drainage easement.

APPLICATION

REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-319

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-092G-06 is **APPROVED (7-0)**:

An ordinance approving an agreement between the Metropolitan Government of Nashville and Davidson County, JDN Realty Corporation, and Wal-Mart Real Estate Business Trust for the establishment of access, drainage, and maintenance rights relating to the donation of a parcel of property to the Metropolitan Government for use as part of the Park & Greenway System, located north of Charlotte Pike and River Road and south of the Cumberland River, as requested by the Director of Metro Parks and Recreation."

OTHER BUSINESS

23. Employee Contract for Abby Scott

Resolution No. 2002-320

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Abby Scott for one year, from September 16, 2002 through September 15, 2003."

24. Employee Contract for Kim Karesh

Resolution No. 2002-321

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Abby Scott for one year, from September 1, 2002 through August 31, 2003."

25. Capital Improvements Budget Amendment

Resolution No. 2002-322

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** the 2002-2003 through 2007-2008 Capital Improvements Budget and Program as follows:

Section 1. 2002-2003 to 2007-2008 Capital Improvements Budget be and the same is hereby amended as follows:

- A. Proposed General Services District – Existing Projects. The following existing General Services District Projects are amended by deleting in their entirety the following and substituting the same as follows:
1. 02FI040
Relocation / Setup Various Metro Departments / Agencies
 Costs associated with the relocation / setup of various Metro departments / agencies

\$8,367,463	Miscellaneous Funds	FY2002-2003
\$1,856,484	Miscellaneous Funds	FY2003-2004
\$1,896,895	Miscellaneous Funds	FY2004-2005

 2. 98PW006
Bike Path Pilot Project
 Construct Bikeways in the GSD

\$60,000	Approved G.O. Bonds	FY2002-2003
\$240,000	Proposed G.O. Bonds	FY2002-2003
		FY2003-2004
		FY2004-2005
\$240,000	Federal Funds	FY2002-2003

 3. 02PR012
Master Plan for Metro Parks / Greenways – Implementation
 Park and facility improvements, upgrades and construction Metro-wide

\$27,046,173	Proposed G.O. Bonds	FY2002-2003
		FY2003-2004
\$29,762,883	Proposed G.O. Bonds	FY2004-2005
		FY2005-2006
		FY2006-2007

 4. 02PR015
Park Buildings and Facilities – Deferred and Ongoing Maintenance
 Countywide – various locations – plan, repair, and upgrade. Repair and upgrade roofs and systems (mechanical, electrical, plumbing, structural, swimming pools, tennis and basketball courts, etc.)

\$6,530,439	Proposed G.O. Bonds	FY2002-2003
		FY2003-2004
\$5,552,061	Proposed G.O. Bonds	FY2004-2005
		FY2005-2006
		FY2006-2007

 5. 02HA003
Sam Levy Homes – Hope VI Grant and Local Matching Funds
 Local funds for infrastructure, street improvements, storm water drainage, and park improvements in the vicinity.
 (“F” represents HUD-Hope VI Funds for the demolition, relocation and construction of new housing.)

\$2,000,000	Proposed G.O. Bonds	FY2002-2003
\$10,000,000	Federal Funds	FY2003-2004
		FY2004-2005

 6. 02FI039
FASTnet / Other Computer Systems – Upgrades

	Upgrades / enhancements to FASTnet and other computer systems of Metro Government		
	\$1,000,000	Proposed G.O. Bonds	FY2002-2003
7.	02FI016		
	<u>E-Procurement, Contract and Grants Management Systems</u>		
	Internet-based systems that offer electronic procurement processes, contract and grant management systems		
	\$500,000	Miscellaneous Funds	FY2002-2003
8.	02PL001		
	<u>Library Facilities – Remodel</u>		
	Repair / renovate / remodel library facilities county-wide		
	\$117,200	Miscellaneous Funds	FY2002-2003
	\$150,000	Miscellaneous Funds	FY2003-2004
	\$200,000	Miscellaneous Funds	FY2004-2005
	\$250,000	Miscellaneous Funds	FY2005-2006
			FY2006-2007
			FY2007-2008
9.	02PW011		
	<u>Bridge Program – Rehabilitation</u>		
	Bridge rehabilitation program miscellaneous locations in the GSD		
	\$2,000,000	Proposed G.O. Bonds	FY2002-2003
	\$500,000	Proposed G.O. Bonds	FY2003-2004
			FY2004-2005
			FY2005-2006
			FY2006-2007
			FY2007-2008
10.	02DG0024		
	<u>Various Stormwater Drainage Improvements</u>		
	Various storm water drainage improvements in various districts		
	\$3,500,000	Operating Budget Funds	FY2002-2003
11.	02FI004		
	<u>Demolition Projects</u>		
	Funds to cover the expenses that are incurred with miscellaneous demolition projects as they arise		
	\$1,900,000	Miscellaneous Funds	FY2002-2003
12.	02FD010		
	<u>Fire Apparatus and Emergency Apparatus Replacement – Various GSD Stations</u>		
	Principal replacement of heavy apparatus, engines, pumpers, cars, command vehicles, ambulances, etc.		
	\$2,000,000	Proposed G.O. Bonds	FY2002-2003
13.	02FI009		
	<u>Fire Department – Assessment Recommendation Implementation</u>		
	Implement study recommendations for improvements to, or replacement of, fire department facilities		
	\$6,000,000	Proposed G.O. Bonds	FY2002-2003
14.	02FI019		
	<u>Ben West Building</u>		
	Additions, renovations, and upgrades to the Ben West Building		
	\$30,000,000	Proposed G.O. Bonds	FY2002-2003

- B. Proposed General Services District – New Projects. The following new projects in the General Services District are added to the Capital Improvements Budget for FY2002-2003 to FY2007-2008 as follows:
1. 02FI060
Criminal Justice Center
Planning, design and construction and renovation of the Criminal Justice Center
\$500,000 Proposed G.O. Bonds FY2002-2003
 2. 02FI061
Howard Campus Master Plan – Implementation
Implementation of master plan for the Howard Campus to include renovations, additions, relocations, parking, and demolitions at this site
\$4,150,000 Proposed G.O. Bonds FY2002-2003
 3. 02PR020
1st Avenue Riverbank Erosion
Repair and stabilization of riverbank from Riverfront Park to Gay Street
\$235,000 Proposed G.O. Bonds FY2002-2003
\$415,000 Federal Funds FY2002-2003
 4. 02GH001
Our Kids Building Project
Funds for the new Our Kids Program building
\$100,000 Miscellaneous Funds FY2002-2003
 5. 02MT010
Rolling Stock and Equipment Upgrade / Replacement
Funds for the purchase of rolling stock and various equipment upgrades and replacement
\$7,143,700 Proposed G.O. Bonds FY2002-2003
- C. Proposed Urban Services District – Existing Projects. The following existing Urban Services District Projects are amended by deleting in their entirety the following and substituting the same as follows:
1. 02FD007
Automatic Vehicle Locators
Automatic Vehicle Locators (AVL) – Purchase tracking system for emergency apparatus
\$135,000 Proposed G.O. Bonds FY2002-2003
 2. 02FD015
Fire and Emergency Apparatus Replacement
Replacement for older USD apparatus – fire apparatus, pumpers, trucks, rescues, cars, etc.
\$390,000 Proposed G.O. Bonds FY2002-2003
 3. 98FD003
Firefighting Gear and Equipment Replacement
Firefighting turnout gear / related equipment
\$1,800,000 Proposed G.O. Bonds FY2002-2003
- D. Proposed Urban Services District – New Projects. The following new projects in the Urban Services District are added to the Capital Improvements Budget for FY2002-2003 to FY2007-2008 as follows:

Deferral Deferred by the MPC on 8/22/02
Staff Reviewer Hardison

Staff Recommendation Approve. Although ON zoning does not implement the Subarea 3 Plan's residential low medium (RLM) policy, ON zoning allows uses that are compatible with residential areas.

APPLICANT REQUEST Rezone 1.07 acres from Residential (R10) to Office Neighborhood (ON) at 2313 Buena Vista Pike.

Existing Zoning

R6 zoning R10 is intended for single-family homes and duplexes at 3.7 units per acre.

Proposed Zoning

ON zoning ON zoning is intended for neighborhood scale office uses.

SUBAREA 12 PLAN POLICY

Residential Low Medium

(RLM) RLM policy is intended for two to four dwelling units per acre.

Policy Conflict The ON district is not literally consistent with the intent of the Subarea 3 Plan's RLM policy, but the ON district restricts the office uses to those compatible with residential uses. In large residential areas it is within good planning guidelines to allow some opportunities for neighborhood scale retail and office. Currently there are several commercially zoned properties to the west of this property that provide some commercial in this area and the addition of ON district property should not harm the current make up of this neighborhood. Office uses within the ON district are restricted to 2,500 square feet of office development.

RECENT REZONINGS None

TRAFFIC Based on typical uses in ON zoning which only allows 2,500 sq. ft. of development, uses such as medical-dental office and general office, approximately 27 to 90 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

_Metro Traffic Engineer's
Findings Approve.

Ms. Conne Moletto spoke in opposition to the proposal.

Mr. Tom Wilson, Technical Supervisor for Nashville Gas, spoke in favor of the proposal.

Ms. Cummings asked how many employees would attend the training planned on this property.

Mr. Wilson stated it would be approximately 900 employees per year.

Mr. Small asked what the current use of the property involves.

Mr. Wilson stated it is a buffer to the existing regulator station.

Mr. McLean moved and Mr. Clifton seconded the motion to close the public hearing

Mr. Clifton encouraged Nashville Gas to make the facility aesthetic with the surrounding neighborhood.

Vice Chairman Small stated he was a little torn on this item because the construction might improve that corner of the neighborhood, but it would disrupt the residents and they already have a huge facility, with space, in MetroCenter available.

Chairman Lawson reminded the Commission their decision is for the zoning of the property and not the use.

Vice Chairman Small stated this seemed like a spot zoning because there is nothing driving this use in the land use policy.

Mr. Clifton moved and Ms. Jones seconded the motion to approve, which failed.

Vice Chairman Small moved and Ms. Cummings seconded the motion to disapprove, which carried with Mr. Clifton, Ms. Jones and Mr. McLean in opposition, and with Vice Chairman Small, Ms. Cummings, Mr. Tyler and Chairman Lawson in favor.

Resolution No. 2002-324

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-086U-03 is **DISAPPROVED (4-3)**:

The proposed ON (Office Neighborhood) district is not consistent with the intent of the Subarea 3 Plan's Residential Low Medium (RLM) policy calling for low-density residential development at 2 to 4 dwelling units per acre."

3. 2002Z-093G-06
Map 114, Parcel 141
Subarea 6 (1996)
District 23 (Bogen)

A request to change from R15 district to CS district property at 7346 Charlotte Pike, abutting the eastern margin of Old Hickory Boulevard, (0.92 acres), requested by Jake Brooks of Digidata Corporation, appellant, for Charles M. and Dorothy S. Gary, owners.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2002Z-093G-06
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation Approve

APPLICANT REQUEST Rezone 0.92 acres from Residential (R15) to Commercial Service (CS) at 7345 Charlotte Pike.

Existing Zoning

R15 zoning R15 is intended for single-family and duplexes at 2.47 units per acre.

Proposed Zoning

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

SUBAREA 6 PLAN Policy

Retail Concentration Super

Community (RCS) RCS policy is intended for existing and planned large concentrations of predominantly retail development at highly accessible major intersections and freeway interchange locations.

Policy Conflict

None. The property is located in the Subarea 6 Plan's Retail Concentration Super Community (RCS) Policy area. This rezoning request is consistent with the intent of RCS policy. The RCS policy calls for

commercial development in areas without freeway interchanges to be 500,000 to 1,000,000 square feet areas with a freeway interchange may be larger to accommodate freeway-oriented uses. Currently within this RCS policy area there is less than 1,000,000 square feet of commercial development, therefore this rezoning fits within the scope of development in this area.

This area has started to develop as a retail center. Currently there is a Sam's Club Warehouse located at the interchange of Old Hickory Boulevard and I-40, in addition to several other small retail uses at that interchange. The area between the aforementioned interchange and the location of this proposed rezoning has yet to see any large scale development aside from an elementary school located along this stretch of Old Hickory Boulevard. Adjacent to this property are several small retail uses.

RECENT REZONINGS None

TRAFFIC Based on typical uses in CS zoning. With on site parking allowing 10,000 sq. ft. of commercial development per acre, such as a fast-food restaurant, gas station with convenience market, and quick lubrication vehicle shop, approximately 40 to 4,564 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve.

Councilmember Bogen expressed concerns about turning Charlotte Avenue into another "Gallatin Road" with strip commercial zoning.

Mr. Chris Cooper and Ms. Abby Barnes spoke in opposition to the proposal and expressed concerns regarding intrusion into the neighborhood, road conditions, traffic, and safety.

Mr. Jake Brooks and Mr. Charles Gary spoke in favor of the proposal and requested approval.

Vice Chairman Small moved and Ms. Cummings seconded the motion, which carried with Councilmember Summers in opposition, to close the public hearing and approve the following resolution:

Resolution No. 2002-325

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-093G-06 is **APPROVED (7-1)**:

The proposed CS zoning is consistent with the Subarea 6 Plan's Retail Concentration Super Community (RCS) commercial policy calling for a wide range of commercial uses."

4. 2002Z-094G-13

Map 163, Part of Parcels 129 and 130

Map 164, Part of Parcels 1, 2, 4, 7, 8, 9, 188, 189 and 256

Subarea 13 (1996)

District 28 (Alexander)

A request to change from AR2a district to CN, CS, ORI, RM15, and R6 districts properties at 5587 Mt. View Road, Route 2 Mt. View Road, 5791 Santi Lane, 3015, 3021, 3131 Murfreesboro Pike, Route 2 Murfreesboro Pike, Murfreesboro Pike (unnumbered), and Santi Lane (unnumbered), abutting the southern margin of Murfreesboro Pike, the eastern margin of Mt. View Road, and the western margin of Hamilton Church Road, (388.6 acres), requested by David Coode of Lose & Associates, appellant, for Paul A. Hoover et al, Tidewater Associates, Inc., and Hoover, Inc., owners.

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

Project No. Zone Change 2002Z-094G-13
Council Bill None
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation Disapprove as contrary to the General Plan. CS, CN and ORI zoning do not implement Subarea 13 Plan's Residential Medium High (RMH) and Residential Medium (RM) policy. ORI zoning permits a floor area ratio of 3.0, which exceeds the existing non-residential development patterns in the area and is a district more appropriate within highly urbanized areas. The RM15 zoning exceeds the Residential Medium (RM) policy and the R6 zoning is lower than the densities described in the Residential Medium High (RMH) policy.

Although impossible to predict the result of this proposal, existing infrastructure, total including schools and roads, cannot accommodate a proposal of this intensity. If a council bill is filed it should include the following conditions to be completed or bonded prior to the recording of any final subdivision plat. The following are bare minimum requirements and additional improvements may be required:

Mt. View Road must be widened from Murfreesboro Pike to Bell Road to the standards outlined in the Major Street Plan (currently U2).

Hamilton Church Road must be widened from Murfreesboro Road to Zelida Avenue to the standards outlined in the Major Street Plan (currently U4).

Zelida Avenue must be widened from Hamilton Church Road to Bell Road to the standards outlined in the Major Street Plan (currently collector).

The existing junction of Hamilton Church Road and Zelida Avenue must be modified to accommodate a new project access in the form of an all-way stop T-intersection.

Two school sites acceptable to the Metro Board of Education shall be offered for dedication to said Board. Each school site shall be in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

APPLICANT REQUEST

Rezone 388.6 Acres of AR2a to CS (61.26 acres), CN (13.97 acres), ORI (107.33 acres), RM15 (144.18 acres and R6 (61.84 acres).

Existing Zoning

AR2a zoning AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes). Existing zoning would permit 194 dwelling units.

Proposed Zoning

CS zoning CS is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, light-manufacturing, auto-repair, vehicular sales, distributive business wholesale, retail, office and restaurants. Proposed zoning would allow approximately 1,601,091 square feet of commercial space.

CN zoning CN is designed to provide for the recurring shopping and personal service needs of nearby residential areas. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Proposed zoning would allow approximately 152,133 square feet of commercial space.

ORI zoning ORI is intended to provide adequate and suitable space in appropriate locations for high intensity office uses mutually compatible with high-density residential uses. These districts are appropriately located between districts characterized by lower density residential and office development and areas of more intensive commercial uses, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes. Proposed zoning would allow approximately 14,025,884 square feet of office space; it could generate 14,026 dwelling units (based on 1,000 square foot units).

RM15 zoning RM15 is designed for moderately high intensity multifamily structures. These districts should have good access to arterial streets and public transportation service. Proposed zoning would permit 2,163 dwelling units.

R6 zoning R6 is intended for single-family homes and duplexes at 6.2 units per acre. Proposed zoning would allow 381 dwelling units.

SUBAREA 13 PLAN

Policy

Residential Medium High

(RMH) RMH policy permits 9 to 20 dwelling units per acre.

Residential Medium (RM) RM policy permits 4 to 9 units per acre. A variety of housing types are appropriate for the RM areas, including compact single-family detached units, townhomes and walk-up apartments. The plan suggests that development is appropriate at the higher end of the density range in this area.

Policy Conflict Yes. CS, CN and ORI zoning do not implement Subarea 13 Plan's Residential Medium High (RMH) and Residential Medium (RM) policy. The RM15 zoning exceeds the Residential Medium (RM) policy and the R6 zoning is lower than the densities described in the Residential Medium High (RMH) policy.

RECENT REZONINGS Yes. MPC recommended disapproval on 3/28/02 (2002Z-025U-13) rezoning part of parcel 252 (located near the southwest corner of the intersection of Murfreesboro Pike and Hamilton Church Road) from IWD to CS. Council approved on 6/4/02 (BL2002-995).

TRAFFIC The proposed zone change would permit a total of 2,544 dwelling units (2163 multi-family and 381 single-family), 1,754,042 square feet of commercial space and 14,025,884 square feet of office space. This development would create approximately 192,161 vehicle trips per day if developed to maximum potential under the proposed zoning. (Institute of Transportation Engineers, 6th Edition, 1996). Staff feels that due to the increase in traffic that would be generated by this zone change, several traffic-related requirements should be included in any Council bill filed to effect this zone change as conditions to be completed or bonded prior to any final subdivision plat recordation. Those conditions are:

Mt. View Road must be widened from Murfreesboro Pike to Bell Road to the standards outlined in the Major Street Plan (currently U2).

Hamilton Church Road must be widened from Murfreesboro Road to Zelida Avenue to the standards outlined in the Major Street Plan (currently U4)

Zelida Avenue must be widened from Hamilton Church Road to Bell Road to the standards outlined in the Major Street Plan (currently collector).

The existing junction of Hamilton Church Road and Zelida Avenue must be modified to accommodate a new project access in the form of an all-way stop T-intersection.

Traffic Study Submitted Yes.

Metro Traffic Engineer's Findings Although a Traffic Impact Study was submitted, the Metro Traffic Engineer has indicated that he cannot make a recommendation because the TIS needs to analyze roadway sections in addition to analyzing intersections.

SCHOOLS	224 Elementary	158 Middle	128 High School
	1198 Elementary	839 Middle	682 High School*

Schools Over/Under Capacity If the property were developed under the proposed zoning, 511 students would be generated. Students would attend Maxwell Elementary School, Antioch Middle School,

and Antioch High School. All of these schools have been identified as being overcrowded by the Metro School Board.

Two school sites acceptable to the Metro Board of Education shall be offered for dedication to said Board. Each school site shall be in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

*The second set of numbers is based upon 2,721 additional students that would be generated if the ORI zoning were to develop as residential instead of office.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that a significant portion of the property contains steep slopes [slopes 20% or greater], the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent . . . Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

No one was present was present to speak at the public hearing.

Mr. Clifton moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing and approve staff recommendation.

Resolution No. 2002-326

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-094G-13 is **DISAPPROVED as contrary to the General Plan (8-0)**:

The proposed CS, CN, and ORI, districts are not consistent with the Subarea 13 Plan's Residential Medium (RM) and Residential Medium High (RMH) policies calling for 4 to 9 dwelling units per acre and 9 to 20 dwelling units per acre. ORI zoning permits a floor area ratio of 3.0, which exceeds the existing non-residential development patterns in the area, and is a district more appropriate within highly urbanized areas. The RM15 district exceeds the RM policy and the R6 district is lower than the density called for in the RMH policy.

If a council bill is filed it should include the following conditions to be completed or bonded prior to the recording of any final subdivision plat. The following are bare minimum requirements and additional improvements may be required:

- 1. Mt.View Road must be widened from Murfreesboro Pike to Bell Road to the standards outlined in the Major Street Plan (currently U2).**
- 2. Hamilton Church Road must be widened from Murfreesboro Road to Zelida Avenue to the standards outlined in the Major Street Plan (currently U4).**
- 3. Zelida Avenue must be widened from Hamilton Church Road to Bell Road to the standards outlined in the Major Street Plan (currently collector).**
- 4. The existing junction of Hamilton Church Road and Zelida Avenue must be modified to accommodate a new project access in the form of an all-way stop T-intersection.**
- 5. Two school sites acceptable to the Metro Board of Education shall be offered for dedication to said Board. Each school site shall be in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.”**

FINAL PLATS

12. 2001S-298U-13

RANSOM PARK COMMERCIAL, Revised
Map 135, Parcel 414
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to eliminate the sidewalk requirement abutting the northwest corner of Ransom Place and Murfreesboro Pike, (2.85 acres), classified within the SCC district, requested by Karen R. Bennett, owner/developer, MEC, Inc., surveyor.

Mr. Leeman announced the applicant has requested indefinite deferral on this item.

Project No. Subdivision 2001S-298U-13
Project Name Ransom Park Commercial, Revised
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation Disapprove sidewalk variance since there is no unusual property hardship that would prevent the sidewalk from being constructed.

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat

Final Plat

This request is for a variance to the sidewalk provisions (Section 2-6.1) of the Subdivision Regulations to eliminate an unbuilt, 550-foot long sidewalk along the west side of Murfreesboro Pike.

The Planning Commission approved the preliminary and final plats in 2001, including a 5-foot wide sidewalk and a 4-foot wide grass strip between the sidewalk and the curb—meeting the requirements of the Subdivision Regulations.

ZONING

Shopping Center Community

(SCC) SCC district is intended for moderately intense retail, office, and consumer service uses for a wide market area.

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) The Subdivision Regulations require a 5-foot wide public sidewalk with a 4-foot wide grass strip along the frontage of all public streets.

The applicant has requested a variance to the sidewalk regulations since there is a ditch along the frontage of the property, since this sidewalk will not connect to any existing sidewalks, and since the sidewalk would be torn out if TDOT widens Murfreesboro Pike in the future. Murfreesboro Pike is a U6 (6 lanes) on the Major Street Plan, while it currently has 5 lanes.

Staff Recommendation Disapprove. A 550-foot section of sidewalk was shown on the preliminary and final PUD plan approved by the Planning Commission in 2001. There is no unusual property hardship that would prevent this sidewalk from being constructed. Constructing the sidewalk on top of the existing ditch may require piping and catch basins according to Public Works. Public Works has also indicated that construction of this sidewalk would require additional grading along the section of Murfreesboro Pike that does not have curb and gutter.

Furthermore, a sidewalk has recently been built by Metro in the area north of this site on the east side of Murfreesboro Pike to connect to Una Elementary School.

No one was present to speak at the public hearing.

Mr. Clifton moved and Mr. McLean seconded the motion, which carried unanimously, to defer this proposal indefinitely.

13. 2002S-211U-03

ALPINE HILL SUBDIVISION, Section 1

Map 70-9, Parcel 2

Subarea 3 (1998)

District 2 (Black)

A request for final plat approval to subdivide one parcel into two lots abutting the southwest margin of Alpine Avenue, opposite Roberts Avenue, (.48 acres), classified within the R10 district, requested by Caldwell and Dolores Wright, owners/developers, Daniels and Associates, Inc., surveyor.

Mr. Hardison stated staff recommends approval.

Project No. Subdivision 2002S-211U-03

Project Name Alpine Hills Subdivision, Section 1

Associated Cases None

Staff Reviewer Hardison

Staff Recommendation Approve with conditions subject to a variance for sidewalks along Alpine Avenue and a revised final plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 0.48 acres into two (2) lots.

ZONING R10 district requiring a minimum lot size of 10,000 square feet.

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) A sidewalk is required along the frontage of lots 1 and 2 on Alpine Avenue. Currently there are no sidewalks along either side of Alpine Avenue. The applicant has requested a variance due to absences of sidewalks in this area and the amount of roadwork that would be required by Public Works standards to construct sidewalks in this location.

Metro Public Works Findings Alpine Avenue at this location has 19 feet of pavement and no shoulder. There is no drainage ditch along the roadway. Alpine Avenue will require widening of 2 feet along the frontage of lots 1 and 2 to meet the minimum Metro Standard ST-251. Curb and gutter is also required along with drainage improvements.

Recommendation Approve. A section of sidewalk approximately 198 feet in length will require major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk, which is inconsistent with good planning and design

TRAFFIC ENGINEER'S

FINDINGS Approve.

CONDITIONS Staff recommends conditional approval subject to a variance for sidewalks along Alpine Avenue and a revised final plat prior to recordation that shows the following:

The corresponding measurements for curve lengths C1, C2, and C3 along Alpine Avenue.

Correct note 9 to read "Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with Storm Water Management Ordinance No. 78-840 and approved by the Metropolitan Department of Water Services.

Add parcel numbers as per Metro Mapping assignment.

Add existing fire hydrant just north of the southern boundary of lot 1.

Submit an approved stamped NES copy of the plat.

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

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-211U-03, is **APPROVED WITH CONDITIONS SUBJECT TO A VARIANCE FOR SIDEWALKS (8-0)**.

Staff recommends approval of the final plat subject to the following condition:

A variance for the construction of sidewalks along the frontage of lots 1 and 2 on Alpine Hill Avenue."

Resolution No. 2002-327

Mr. Fox updated the Commission regarding the sidewalk variance for the Villages of Brentwood.

OTHER BUSINESS

26. Legislative Update

None.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:10 p.m.

Chairman

Secretary

Minute Approval: this 26th day of September 2002



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