



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission
September 25, 2003

PLANNING COMMISSION:

Doug Small, Vice Chairman
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
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 Bond, Planner II
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:

James Lawson, Chairman
Stewart Clifton
Councilman John Summers

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

II. ADOPTION OF AGENDA

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

- Item #11 – 2003S-063G-13 – Hamilton Chase, should read District 32 (Coleman)
- Item #12 – 2003S-144T-13 – Lakewalk Subdivision, should read District 32 (Coleman)
- Item #13 – 2003S-173G-03 – Fontanel should read, District 2 (Hughes)

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to adopt the agenda as corrected. **7-0**

III. APPROVAL OF SEPTEMBER 11, 2003 MINUTES

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the meeting minutes of September 11, 2003. **(7-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Forkum introduced himself to the Commission.

Councilmember Gotto introduced himself to the Commission.

Councilmember Wilhoite introduced herself to the Commission. She requested that Items #11 and 12 be either deferred or discussed by the Commission.

Councilmember Shulman spoke in reference to the David Lipscomb Master Plan. He acknowledged that the staff and community has worked very hard on this project.

Councilmember Gilmore spoke regarding 2003S-173G-03. She stated that due to the redistricting, this project is now in Councilman Hughes District and that she would be referring this project to him. She also stated that the community has communicated to her that they would like to see the common spaces and green areas remain open to the community and not be gated. Councilwoman Gilmore also spoke in favor to the Public Hearing – Bordeaux-Whites Creek.

V. OTHER BUSINESS

- a. **Public Hearing** -- Subdivision Regulations Amendment – Lot Comparability

Staff Recommendation - *Approve*

The revised provisions are an attempt to address concerns raised by the Commission about the current comparability analysis. Specifically, there has been a concern that a variance to the comparability requirement cannot properly be approved unless the strict requirements for granting a variance are met. The revised regulation establishes that, in certain situations, a subdivision application would be exempt from the lot comparability analysis. Generally, the revised regulation exempts a subdivision from comparability analysis if the Commission finds that the requested smaller lot size is consistent with the General Plan. The proposed regulations give the commission more discretion to waive the lot comparability requirements without granting a variance.

The revised regulation also attempts to better spell out what lots will and will not be included when making lot comparability calculations.

Proposed: Lot Comparability Regulation:

2-4.7 Lot Subdivision Comparability — In areas previously subdivided and predominantly developed, lot sizes resulting from a proposed subdivision shall be generally in keeping with the lot frontage and lot area of surrounding lots, as defined below. This rule encourages consistent and compatible subdivision of land in existing neighborhoods. This rule shall apply to properties zoned residential and which are intended to remain largely for residential use, as defined by the General Plan. This rule shall not apply in agricultural zones, to lots created on a new street, or to the consolidation of lots. Lot frontage comparability will not apply to lots at the terminus of permanent dead end streets with 35 feet of street frontage or more.

A. **Exceptions.** Lot comparability may not be required if in the opinion of the Planning Commission a smaller lot size is consistent with the General Plan. One or more of the criteria listed below may be used by the Commission to determine whether the proposed smaller lot size is consistent with the General Plan:

1. If the proposed subdivision is within a one-half mile radius of any area designated as a “Regional Activity Center”; or
2. If the proposed subdivision is within a one-quarter mile radius of any area designated as a “Mixed Use”, “Office”, “Commercial”, or “Retail”; or
3. If the proposed subdivision is within an area planned for a town center or neighborhood center; or
4. Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.

B. **Comparable Lots.**

1. The following properties shall be used to determine the block character for purposes of establishing lot comparability:

- a. Lots on the same and opposing block face (as defined in Section 17.04.060 of the Zoning Code) that are within three hundred (300) feet of the boundary of the property proposed to be subdivided.
- b. Lots abutting each quadrant of an intersection when the proposal involves a corner lot; and
- c. Lots that abut or are directly across a public way from the property proposed to be subdivided.

2. The following properties will not be used to determine the block character for purposes of establishing lot comparability:

- a. Zoned non-residential.
- b. Zoned residential, but used for multi-family purposes (i.e. apartments, townhouses, condominiums).
- c. Zoned residential, but used for non-residential purposes (i.e. daycare, school, religious institution, or a non-conforming, non-residential use).
- d. Zoned residential, but are smaller than the base zoning district permits (i.e. RS10 base zoning and lots are 9,000 square feet).
- e. Where development continuity cannot be provided due to a natural or man-made barrier, including but not limited to, arterial or collector streets, public land, railroad right-of-way, waterways, or lots that face a block face within a non-residential zoning district.

C. Lot Comparability Procedures. To determine if a proposed subdivision meets the requirements of this section, the average lot frontage and area of the surrounding lots shall be calculated as follows:

- 1. The surrounding lot frontages and areas shall be stratified and any lot varying more than fifty percent (50%) from the median shall not be included in the calculations.
- 2. Determine the average frontage of the applicable surrounding lots and multiply the result by ninety percent (0.90). This result then is the minimum lot frontage required for comparability.
- 3. Determine the average area of the applicable surrounding lots and multiply the result by seventy-five percent (0.75). This result then is the minimum lot area required for comparability.

Current Lot Comparability Regulation:

2-4.7 Lot Resubdivision Comparability— In areas previously subdivided and predominantly developed, lot sizes resulting from a proposed resubdivision shall be generally in keeping with the frontage and area of the surrounding lots. This rule shall apply within subdivisions zoned residential which are projected to remain in a residential classification defined by the General Plan. This rule shall not apply in Agricultural Zones, in areas where typical lot sizes are greater than three acres, nor shall it apply to corner lots resulting from the creation of a subdivision incorporating new streets where the resulting corner lots are also adjacent to an existing street. However, the plat creating such corner lots shall include a line establishing a building setback equal to the average setback of surrounding lots along the existing street.

The term “surrounding lots” shall mean all lots:

- A. On the same and opposing block face (as defined in Section 12.10 of the Zoning Regulations) that are within three hundred (300) feet of the boundary of the property proposed for resubdivision.
- B. Abutting each quadrant of an intersection when the proposal involves a corner lot; and
- C. Which abut or are directly across a public way from the proposed resubdivision.

To determine if a proposed resubdivision meets the requirements of this section, the average lot frontage and area of the surrounding lots shall be calculated as follows:

- A. The surrounding lot frontages and areas shall be stratified and any lot varying more than fifty percent (50%) from the median shall not be included in the calculations.

B. Determine the average frontage of the applicable surrounding lots and multiply the result by ninety percent (0.90). This result then is the minimum lot frontage required for comparability.

C. Determine the average area of the applicable surrounding lots and multiply the result by seventy-five percent (0.75). This result then is the minimum lot area required for comparability.

Mr. Kleinfelter stated that staff recommends approval on this proposed amendment of the subdivision regulation -- lot comparability.

Mr. Tyler asked for clarification on the distance provisions of the regulation.

Mr. Small asked for clarification on variances and asked for an explanation on "new streets".

Resolution No. 2003-320

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to approve the Subdivision Regulations Amendment – Lot Comparability. (7-0)

b. **Public Hearing** -- Bordeaux-Whites Creek Community Plan: Update 2003

Mr. Sewell stated that staff is recommending approval of this Community Plan.

Mr. Thompson, 3832 Dry Fork Road, spoke against the project.

Ms. Cummings thanked the staff and the community for their work on this project.

Mr. McLean asked for clarification on the current zoning of the project.

Resolution No. 2003-321

Ms. Nielson moved and Mr. Sweat seconded the motion, which passed unanimously to approve the Bordeaux-Whites Creek Community Plan update, 2003. (7-0)

c. Request to set a public hearing to consider an amendment to the Subarea 7 Plan: 1999 Update on November 13, 2003

Staff Recommendation - Approve

REQUEST - Set a public hearing to consider an amendment to the Subarea 7 Plan: 1999 Update.

Background - Staff has received a request to amend the Subarea 7 Plan: 1999 Update. The amendment is associated with Zone Change 2003Z-118U-07, which is also on this agenda and is recommended for indefinite deferral to track with the plan amendment. The amendment request covers 6.18 acres of residentially developed land located at the corner of Page Road and Forrest Park Drive, adjacent to Percy Warner Park and near Cheekwood. The amendment request is to go from Residential Low Density (RL) policy, which supports densities of 0-2 dwelling units per acre, to Residential Medium Density (RM) policy, which supports densities of 4-9 dwelling units per acre. The area in question involves 6.18 acres and is currently occupied by a 29-unit apartment complex, two duplexes, and two single-family homes. One of the parcels (parcel 5) is vacant. The applicant proposes to replace the existing housing on the site with 34 single-family homes.

Staff believes that the amendment request merits further consideration through a public hearing process. The applicant is proposing to replace housing that does not conform to the current land use policy with virtually the same number of units. The proposed development would bring new investment to the area that is of the same housing type as most of the other housing in the neighborhood.

Setting the public hearing for November 13 will allow staff adequate time to hold a community meeting in the area to discuss the plan amendment request.

[Request to set Public Hearing to consider Subarea 7 Plan: 1999 Update Amendment as shown below on consent agenda was **APPROVED. (7-0)**]

d. Executive Director Reports

e. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

3. 2003Z-111G-14 RS15 to CS, 4060 Andrew Jackson Parkway – Deferred indefinitely

4. 8-86-P-14 Andrew Jackson Parkway PUD – withdrawn

5. 2003Z-112G-06 8121, 8141, 8175 Highway 100 & Highway 100 (Unnumbered), RS40 to CL – Deferred to October 9, 2003

6. 97P-019G-06 Trace Creek Center, south margin of Highway 100 – Deferred to October 9, 2003

14. 2003S-222U-10 Sunnybrook Lane Subdivision (formerly Sunny Court Subdivision) – deferred to October 9, 2003

16. 2002S-340G-14 Windstar Estates, Section 1 – Deferred to October 23, 2003

23. 2001P-005U-10 Fifth Third Bank – Deferred to October 9, 2003

25. 2003M-093U-12 Abandon Right-of-Way at End of Trousdale Drive – Deferred to October 23, 2003

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

**VII. PUBLIC HEARING: CONSENT AGENDA
OTHER BUSINESS**

c. Request to set a public hearing to consider an amendment to the Subarea 7 Plan: 1999 Update on November 13, 2003 - Approve

ZONING MAP AMENDMENTS

7. 2003Z-115G-13 AR2a to RS7.5, 12746 Old Hickory Blvd. - Approve

9. 2003Z-119U-12 R6 to MUL, 4928 & 4932 Nolensville Pk. -Approve w/ conditions

PRELIMINARY SUBDIVISION PLATS

10. 2000S-396G-04 Canton Pass Subdivision - Approve extension to October 11, 2004

15. 2003S-234G-14 Stoner's Glen, Revision of Phases 3 and 4 - Approve w/ conditions

PLANNED UNIT DEVELOPMENTS (revision)

17. 134-78-U-13 Drury Development Corporation PUD - Approve

18. 116-83-U-11 Willowbrook Marketplace - Approve w/ conditions

19. 309-84-U-12 Hickory Point at Brentwood - Approve w/ conditions

20. 89-87-P-03 Chateau Valley Phase 5 -Approve w/ conditions

21. 89P-018U-12 Bradford Hills Plaza -Approve w/ conditions

- 22. 2000P-001U-10 Harris Teeter (Pharmacy) - Approve w/ conditions
- 24. 2003P-012U-08 1200 Fifth Avenue North PUD - Approve w/ conditions

MANDATORY REFERRALS

- 26. 2003M-094U-08 Colonial Pipeline Easement Expansion - Approve
- 27. 2003M-098G-14 Hermitage Hills Baptist Church Easement Abandonment and Relocation - Approve
- 28. 2003M-099U-03 Alley closure, Utility Abandonment and Relocation - Approve
- 29. 2003M-101U-09 1st Street River Bank Easement Acquisition - Approve
- 30. 2003M-102U-10 Woodvale Drive Easement Acquisition - Approve
- 31. 2003M-103U-14 Abandon Sewer Easement on Spence Lane - Approve
- 32. 2003M-104U-13 Easement Acquisition for BNA Airport - Approve
- 33. 2003M-105G-04 Laemmler-Janson Subdivision Easement Abandonment and Relocation – Approve

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to approve the consent agenda. (7-0)

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. **2002Z-051U-10**
 Map 117-16, Various Parcels
 Map 118-13, Parcel 64
 Map 131-04, Parcels 2 and 3
 Subarea 10 (1994)
 District 25 (Shulman)

A request to apply the IO (Institutional Overlay) district to various properties located between Belmont Boulevard and Lealand Lane, and along both margins of Granny White Pike, (98.05 acres), Seab Tuck of Tuck Hinton Architects, applicant, requested by Councilmember Jim Shulman.

Staff Recommendation - *Approve with conditions.* If all of the conditions are not shown on the revised plan resubmitted prior to Third Reading at the Metro Council.

APPLICANT REQUEST - Apply Institutional Overlay (IO) district to 101 parcels 98.05 acres between Lealand Avenue, Granny White Pike and Belmont Boulevard, and between Grandview Drive and Shackelford Road.

Proposed Zoning

IO district - The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

SUBAREA 10 PLAN POLICY

RLM Policy - 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.

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

Policy Conflict - No. The IO district is intended for areas designated as residential by the General Plan.

PLAN DETAILS - The plan for the 98-acre campus includes approximately 772,500 square feet of new floor area, three new parking areas with two parking decks, and three new athletic fields, as well as the existing campus. Since

the Campus School is not part of the university, it is not included in this plan. The plan establishes building façade guidelines, setback requirements, screening requirements, planting, fencing, lighting, and noise standards. The plan also establishes a phasing schedule.

Building Façade Guidelines - The building façade guidelines state the following: “Buildings must not exceed the 3 to 4 story height and general rectangular form; forms should be modestly articulated as opposed to unadorned blank and flush facades; a sense of entry or “front porch” should exist based on the characteristic precedent of the porticos; materials of buildings should be brick of a compatible color and texture to the predominance of buildings; windows should be large, rectangular and regularly spaced, more often connected by a spandrel panel giving them vertical emphasis; buildings should exhibit detailing preferably of limestone, brick, or concrete and must provide, as a minimum, a strong horizontal base coursing and cornice detail (this also applies to parking structures); the roof forms should be flat with the possibility of forms gabled for emphasis only.”

Setback Requirements - The plan states: “The neighbors have requested that the University provide 125’-0” setbacks from the centerline of the road for all new buildings and parking lots. The University has proposed adopting this 125’-0” requirement along Grandview Drive, Granny White Pike, along the border of the athletic fields to the south at the main campus and for the Maplehurst athletic and intramural fields to the east for buildings only. However, the University will maintain the existing 100’-0” setback along the Northwest portion of Belmont Boulevard, adjacent to Stokes School, in order to align proposed buildings with several existing buildings in this area. The proposed Bible Building and future parking structure adjacent to the athletic fields will be setback at the 125-foot line.” (Page 18)

Planting - “The University will continue to provide and maintain planting within the setback from the road along its perimeter. The planting shall meet the requirements of landscape buffer yard “C” as required by the zoning requirements.”

Walls and Fencing - “Permanent perimeter walls shall be of brick and limestone and will be approximately 30” high.” “Temporary perimeter fencing shall be of wood construction and will be approximately 6’-0” high to promote privacy between properties.” (Page 18)

Lighting - “The University is in the process of evaluating and revising the campus lighting standard to provide twelve foot poles throughout the campus, which will meet the neighbor’s request for high cutoff fixtures that provide less than ½ foot-candle at property line. As a result of this standard the University will remove or refocus the spotlights that have been installed on the parapets and eaves of existing buildings over time. The University will also evaluate the existing buildings over time. The University will also evaluate the existing lighting at the Soccer field and refocus the lighting to limit the light spillage at the property line.” (Page 20)

PLAN PURPOSE - The Zoning Code intends for the application of the institutional overlay district to be limited to those land areas encompassed by a college or university master development plan. The plan shall adequately describe the extent of the existing and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus’s impact on the adjoining neighborhood(s). The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks. In the approval of a master development plan, the council shall require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community.

RECENT REZONINGS - No.

TRAFFIC - A Traffic Impact Study (TIS) was completed for this proposal. The TIS assumes a current enrollment of approximately 2,200 students and a proposed enrollment under the master plan of approximately 3,500 students.

Based on University uses and a proposed student enrollment of 3,500 students, 8,330 daily trips could be generated with an AM peak of 588 entering and 147 exiting and a PM peak of 220 entering and 515 exiting. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Findings - The TIS by RPM identifies four intersections with existing LOS E or F for one or more critical turning movements for existing Peak Hour conditions, primarily during the AM Peak Hour. These delays are typical on minor approaches to unsignalized intersections on an arterial or collector roadway; however, warrant analysis was not performed to determine if signalization is an appropriate mitigation.

Additionally the dates of the traffic counts were not identified. No discussion was presented addressing the traffic growth or anticipated traffic increases on the area collector and arterial roads, even though the master plan determines growth through 2030. Harmelink analysis for Left turn lanes was not performed for the unsignalized intersections.

The capacity analysis including the projected site generated trips identifies these same four intersections and one additional intersection as operating LOS E or F.

The storage length and transition for the left turn lane on Granny White on the campus school access was not identified and feasibility of installation was not demonstrated. It is shown on the master plan. Pavement widths, markings and shoulder widths/ gutters on area streets were not identified. Pedestrian, bike, and transit facilities need to be identified and analyzed. Pedestrian connectivity between athletic fields and main campus shall be discussed and Granny White crossing facilities identified and improvements recommended.

There was no discussion concerning student off campus housing and pedestrian or bike connections.

The Lealand Lane / Caldwell Lane and Lealand Lane / Maplehurst intersections were not included in the capacity analysis.

Parking was stated as being adequate, however no code requirements were stated or resources to document finding.

There was no discussion for event parking and traffic management.

It is recommended that a TIS supplement be submitted addressing the noted items in order to provide Public Works a complete analysis of the Master Plan for our review.

At this time we are unable to recommend approval of this zone change. Without additional information we believe the limited transportation mitigations are insufficient to adequately address the proposed campus growth.

If the zone change is approved the following mitigations shall be installed, as per the Metro Public Works Department.

1. Left turn and Right turn lanes, with a storage length of 75 feet and transition per AASHTO, at the Glen Echo/campus drive / Belmont blvd. intersection for all approaches. Install Signal modification and video detection equipment on the campus drive approach. Install pedestrian signals and facilities per ADA standards.
2. Install NB Left turn and SB Right turn lanes, with a 75 foot storage and transition on all approaches at Granny White and Shackelford. Conduct warrant analysis and install signalization with pedestrian signals and facilities when warrants are satisfied.
3. Install left turn lane and/or right turn lane, with 75 foot storage and transition, on all approaches at Belmont and Shackelford.
4. Install 75 ft storage left turn lanes with transition per AASHTO standards on Grandview at Belmont / Grandview intersection
5. Install Left turn lane, with 75 ft storage and transition per AASHTO standards on Maplehurst at Granny White.

6. Install Southbound, Northbound and Westbound left turn lane with 75 ft storage with transition per AASHTO on Granny White at Caldwell Lane and campus drive. Conduct signal warrant analysis and install signal upon satisfying warrants.
7. Install northbound left turn lane with 75 ft storage and transition per AASHTO on Lealand Lane at Caldwell.
8. Event Traffic management program shall be identified and conducted to direct traffic in a safe and efficient manner during major public events.
9. Install southbound left turn lane with 75 ft storage lane with transition per AASHTO at southern campus driveway on Belmont.

STAFF RECOMMENDATION - In reviewing the Lipscomb University Institutional Overlay, staff has determined that the proposed plan meets the requirements, as outlined by the Metro Zoning Code, for applying the IO district. The applicant has held numerous community meeting over the past 3 or 4 years to gather input as to the design and goals of the master plan. The applicant has also been working with staff to make changes to meeting the intent of the Code, as well as to meet basic design standards. Staff recommends conditional approval, including the traffic conditions, as outlined by Public Works, and as will be required with updated Traffic Impact Studies every 5 years.

CONDITIONS

Prior to Third Reading by the Metro Council, the following updates must be made to the Master Plan. The plan filed for introduction at Council will be replaced prior to Third Reading and will address the following issues:

1. The intent of the master plan is to eventually replace Fanning Hall with either a new residence hall or an academic building. In either scenario the size of the building would be a three-story building of approximately 66,000 square feet.
2. The phasing plan will be amended so that the acquisition of necessary adjacent properties will transpire prior to the construction of a project. All appropriate setbacks, screening and phasing boundaries will comply with the Development Standards of the Institutional Overlay district (amendment to Section 17.36.350 items A, B, C & D).
3. The proposed lighting for the athletic fields will be designed so that direct, reflected or incident lighting will not be in the line of sight from any residence not owned by the university. The university and the design team will address the lighting pole and fixture location and orientation in the master plan.
4. The phasing plan will be amended so that proposed facilities are not bisected by a phasing line. The bison phase will be eliminated and the components described for this phase will be incorporated into the gold phase. Parking lot "N" will be constructed during the gold phase, and the construction of parking structure "O" will shown to be included as part of the gold phase.
5. The intent for parking structure "M" is that two levels will be below grade and the top of the structure will be surface parking. Landscape buffer yard D will be used for screening the automobiles and the structure will be set back 100 feet from the centerline of Belmont Boulevard.
6. The Parking area "T" designated on sheet 5 of the master plan booklet is owned by the adjacent church and is not used by Lipscomb University for parking calculations. The campus school currently has an existing agreement with the church for the use of this lot. All campus school parking will be designated differently from the University parking areas to avoid confusion with the calculations.
7. The Campus School area will be separated from the master plan area in order to comply with the requirements for application of the I/O district. Only areas that are jointly used by both the University and the Campus School will be designated accordingly such that the coverage of the overlay will extend over these properties.
8. The proposed Institutional Overlay boundary for the University will be shown explicitly on all of the master plan drawings.

9. The parking standard of adequacy for the master plan determined by RPM & Associates will be clearly defined and reviewed by the metro parking engineer prior to submission of the revised master plan. The parking requirements defined for the I/O district will apply to the University only. The campus school parking requirements will be removed from the book in order to eliminate any confusion.
10. All pedestrian corridors through the campus will be linked to the perimeter sidewalk system. These pedestrian connections will be made at two locations along Belmont Boulevard and at two locations along Grandview Drive.
11. Tuck Hinton Architects will include scaled drawings to depict the master plan components with the final submission prior to Third Reading at Council.
12. The traffic study will be amended to include a study of the incremental effects of the campus expansion as it pertains to each proposed project. In order to clarify the incremental effects of the campus expansion on traffic and access, the increment of added peak hour traffic for each additional permanent building will be identified. Also, the effects of this additional traffic, if significant, will be addressed and any changes required for access points due to the additional traffic will be presented.
13. The second phase of the phasing description will be amended to include only two components. These components will be referred to as the purple phase and the gold phase. The property used for expansion of the campus school will not be included in the master plan.
14. All of the references to the Institutional Zone and requirements for this district will be removed from the master plan booklet, prior to Third Reading at the Metro Council.
15. The connection between the proposed residence halls 35 and 36 indicated on the master plan will be included on the drawing index and will be incorporated into the gold phase. The connector will be constructed after residence hall #35 is completed and will either be included as part of the construction of residence hall #36 or built after the construction of this building.
16. The landscape buffer yards will be clearly defined on the master plan landscape drawing. A large scaled drawing will be included with the booklet. The landscape buffer yard for all parking areas will be revised to meet or exceed landscape buffer yard "D." Along Grandview Drive the landscape buffer yard "C" proposed within the 125' setback was reviewed and accepted. For the remaining landscape buffer yards the design team will propose a standard that will meet or exceed the requirements stipulated by the planning commission for the I/O zone.
17. A meeting between Public Works and RPM & Associates will be held to review the recommendations by Public Works for the Traffic Impact Study. The agreed upon recommendations determined during this meeting will be incorporated into the revised Traffic Impact Study submitted with the revised master plan prior to Third Reading at the Metro Council.

Mr. Fawcett stated that staff is recommending approval with conditions.

Ms. Marsha Lanier, 1501 Grandview, spoke against the project. She stated that the entire community affected by this project was not properly informed of all the proposed changes associated with the project.

Ms. Andy Landes, a resident, spoke against the proposed changes.

Mr. Sweat asked for additional information regarding the parking requirements for Lipscomb University and general campus parking. He also asked for clarification on eminent domain and the ownerships of homes in this area.

Ms. Cummings expressed concerns regarding noise issues that would be generated after completion of this project and its relation to the neighborhood.

Mr. McLean expressed concerns regarding the eminent domain and the ownerships of homes in the area.

Mr. Small expressed concerns regarding traffic issues and the proposed development and the conditions imposed for approval.

Ms. Nielson moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve Item #2002Z-051G-10. (7-0)

Resolution No. 2003 –322

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2002Z-051U-10 is **APPROVED WITH CONDITIONS (7-0)**.

Conditions of Approval:

Prior to Third Reading by the Metro Council, the following updates must be made to the Master Plan. The plan filed for introduction at Council will be replaced prior to Third Reading and will address the following issues:

1. The intent of the master plan is to eventually replace Fanning Hall with either a new residence hall or an academic building. In either scenario the size of the building would be a three-story building of approximately 66,000 square feet.
2. The phasing plan will be amended so that the acquisition of necessary adjacent properties will transpire prior to the construction of a project. All appropriate setbacks, screening and phasing boundaries will comply with the Development Standards of the Institutional Overlay district (amendment to Section 17.36.350 items A, B, C & D).
3. The proposed lighting for the athletic fields will be designed so that direct, reflected or incident lighting will not be in the line of sight from any residence not owned by the university. The university and the design team will address the lighting pole and fixture location and orientation in the master plan.
4. The phasing plan will be amended so that proposed facilities are not bisected by a phasing line. The bison phase will be eliminated and the components described for this phase will be incorporated into the gold phase. Parking lot “N” will be constructed during the gold phase, and the construction of parking structure “O” will shown to be included as part of the gold phase.
5. The intent for parking structure “M” is that two levels will be below grade and the top of the structure will be surface parking. Landscape buffer yard D will be used for screening the automobiles and the structure will be set back 100 feet from the centerline of Belmont Boulevard.
6. The Parking area “T” designated on sheet 5 of the master plan booklet is owned by the adjacent church and is not used by Lipscomb University for parking calculations. The campus school currently has an existing agreement with the church for the use of this lot. All campus school parking will be designated differently from the University parking areas to avoid confusion with the calculations.
7. The Campus School area will be separated from the master plan area in order to comply with the requirements for application of the I/O district. Only areas that are jointly used by both the University and the Campus School will be designated accordingly such that the coverage of the overlay will extend over these properties.
8. The proposed Institutional Overlay boundary for the University will be shown explicitly on all of the master plan drawings.
9. The parking standard of adequacy for the master plan determined by RPM & Associates will be clearly defined and reviewed by the metro parking engineer prior to submission of the revised master plan. The parking requirements defined for the I/O district will apply to the University only. The campus school parking requirements will be removed from the book in order to eliminate any confusion.
10. All pedestrian corridors through the campus will be linked to the perimeter sidewalk system. These pedestrian connections will be made at two locations along Belmont Boulevard and at two locations along Grandview Drive.

11. Tuck Hinton Architects will include scaled drawings to depict the master plan components with the final submission prior to Third Reading at Council.
12. The traffic study will be amended to include a study of the incremental effects of the campus expansion as it pertains to each proposed project. In order to clarify the incremental effects of the campus expansion on traffic and access, the increment of added peak hour traffic for each additional permanent building will be identified. Also, the effects of this additional traffic, if significant, will be addressed and any changes required for access points due to the additional traffic will be presented.
13. The second phase of the phasing description will be amended to include only two components. These components will be referred to as the purple phase and the gold phase. The property used for expansion of the campus school will not be included in the master plan.
14. All of the references to the Institutional Zone and requirements for this district will be removed from the master plan booklet, prior to Third Reading at the Metro Council.
15. The connection between the proposed residence halls 35 and 36 indicated on the master plan will be included on the drawing index and will be incorporated into the gold phase. The connector will be constructed after residence hall #35 is completed and will either be included as part of the construction of residence hall #36 or built after the construction of this building.
16. The landscape buffer yards will be clearly defined on the master plan landscape drawing. A large scaled drawing will be included with the booklet. The landscape buffer yard for all parking areas will be revised to meet or exceed landscape buffer yard "D." Along Grandview Drive the landscape buffer yard "C" proposed within the 125' setback was reviewed and accepted. For the remaining landscape buffer yards the design team will propose a standard that will meet or exceed the requirements stipulated by the planning commission for the I/O zone.
17. A meeting between Public Works and RPM & Associates will be held to review the recommendations by Public Works for the Traffic Impact Study. The agreed upon recommendations determined during this meeting will be incorporated into the revised Traffic Impact Study submitted with the revised master plan prior to Third Reading at the Metro Council.

The proposed Institutional Overlay (IO) district for the Lipscomb University campus is consistent with the purpose of the zoning ordinance since it is located within the Subarea 10 Plan's Residential Low Medium (RLM) and Residential Low (RL) policies. The purpose of the IO district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long term viability of those neighborhoods in which they are situated.

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

2. **2003Z-051G-06**
Map 169, Parcel 55
Subarea 6 (2003)
District 35 (Tygard)

A request to change from CL district to CS district property at Highway 100 (unnumbered), abutting the southern margin of Highway 100, (0.51 acres), requested by D. E. Ryan, owner.

Mr. Leeman presented information and stated that staff is recommending disapproval of this proposed development.

Mr. D.E. Ryan, 5181 Temple Road, owner of property, asked that the Commission allow approval of this property to be rezoned to CS.

John Rumble, President of the Bellevue Area Citizens for Planned Growth, stated that he is in favor of the disapproval of this project.

Councilmember Tygard asked that additional time be granted for this project so that he could hold Community meetings in order to educate the neighborhoods affected by this proposed change and to review other options available to accommodate the owner of the property.

Ms. Jones expressed her concerns regarding the business and the vehicles that would be parked at this location and whether a buffer place could be generated and included in the plans for the purpose of parking heavy equipment.

Mr. Tyler expressed concerns regarding the zone changes and form of notification given to owners affected by the zone changes.

Mr. Sweat moved, and Mr. McLean seconded the motion, which passed unanimously, to defer item #2003Z-051G-06 until October 23, 2003. **(6-0)**

The Metropolitan Planning Commission deferred Zone Change No. 2003Z-051G-06 to the October 23, 2003 meeting. (6-0)

- 3. 2003Z-111G-14**
Map 86, Parcel 59
Subarea 14 (1996)
District 12 (Gotto)

A request to change from RS15 district to CS district property located at 4060 Andrew Jackson Parkway, abutting the southwest corner of Andrew Jackson Parkway and Old Lebanon Dirt Road, (8.13 acres), requested by Thomas H. Pierce, appellant, for Charles Smith, owner. (See PUD Proposal No. 8-86-P-14 below).

The Metro Planning Commission deferred Zone Change 2002Z-111G-14 indefinitely at the request of the applicant. (7-0)

- 4. 8-86-P-14**
Andrew Jackson Parkway PUD
Map 86, Parcel 59
Subarea 14 (1996)
District 12 (Gotto)

A request to cancel the undeveloped Residential Planned Unit Development district located at 4060 Andrew Jackson Parkway, abutting the north margin of Andrew Jackson Parkway and the south margin of Nashville & Eastern Railroad, classified RS15 and proposed for CS, (8.13 acres), requested by Ridgetop, Inc., for Charles Smith, owner. (See Zone Change Proposal No. 2003Z-111G-14 above).

Planned Unit Development No. 8-86-P-14, was WITHDRAWN by request of the applicant.

- 5. 2003Z-112G-06**
Map 155, Parcels 124, 273, 274 and 276
Subarea 6 (2003)
District 35 (Tygard)

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

The Metro Planning Commission deferred Zone Change 2003Z-112G-06 to October 9, 2003, at the request of the applicant. (7-0), Consent Agenda

6. **97P-019G-06**
Trace Creek Center
Map 155, Parcels 124, 273, 274 and 276
Subarea 6 (2003)
District 35 (Tygard)

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

The Metro Planning Commission deferred Planned Unit Development 97P-019G-06 to October 9, 2003 at the request of the applicant. (7-0), Consent Agenda

7. **2003Z-115G-13**
Map 175, Parcel 125
Subarea 13 (2003)
District 32 (Coleman)

A request to change from AR2a district to RS7.5 district property at 12746 Old Hickory Boulevard, north of Logistics Way, (5.3 acres), requested by Robert E. Porter of Civil Site Design Group, appellant, for John Ellis, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 5.3 acres from agricultural/residential (AR2a) to residential single-family (RS7.5) district property at 12746 Old Hickory Boulevard in Antioch.

Existing Zoning

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

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.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.

Policy Conflict - The proposed zoning district is consistent with the NG policy and surrounding zoning. This location is across the street from Industrial policy and could be appropriate for industrial zoning, but Old Hickory

Boulevard separates the two policy areas. The east side of Old Hickory Boulevard is characterized by industrial and office uses. The west side of Old Hickory Boulevard is characterized by vacant agricultural and residential land.

RECENT REZONINGS - Yes. Surrounding property (totaling 238.97 acres) was rezoned from CS, AR2a, RS15, and R15 districts to MUL, RS10, RM15, and RS7.5 in June 2003. The adjacent property was rezoned to RS7.5.

Property across the street was on the September 11, 2003, Planning Commission agenda and was approved for rezoning from IR to IG.

TRAFFIC - Based on the Average Daily Trip (ADT) generation numbers for residential single-family (RS7.5), this proposal will generate approximately 239 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendation

Both zones are intended for single family dwellings, and were calculated under that assumption. (Code 210)

Current zoning - AR2a, Peak Adj. Street Traffic

AM trips = 2 PM trips = 2

Proposed zoning - RS7.5, Peak Adj. Street Traffic

AM trips = 23 PM trips = 30

Number of increased trips is insignificant.

“No Exception Taken.”

SCHOOLS 5 **Elementary** 4 **Middle** 3 **High**

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

Approved (7-0), Consent Agenda

Resolution No. 2003 –323

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-115G-13 is **APPROVED (7-0)**.”

The proposed RS7.5 district is consistent with the Antioch- Priest Lake Subarea Plan’s Neighborhood General (NG) policy calling for predominantly residential development. It is also consistent with the emerging zoning pattern in the area west of Old Hickory Boulevard.”

-
- 8. 2003Z-117G-13**
Map 151, Part of Parcel 16
Subarea 13 (2003)
District 33 (Bradley)

A request to change from R15 district to RS10 district property at Hobson Pike (unnumbered), at the south terminus of Smith Springs Parkway, (85 acres), requested by Mike Hunkler, appellant, for Erol Genca and Pong Moon Chang, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 85 acres from residential (R15) to residential single-family (RS10) district property at Hobson Pike (unnumbered), at the south terminus of Smith Springs Parkway.

Existing Zoning

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or for areas lacking a design plan or a special policy.

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

Policy Conflict - The proposed zoning district (RS10) is consistent with the policies for this area. A Planned Unit Development Overlay typically accompanies a zone change of this size, however, a preliminary plat has been submitted.

RECENT REZONINGS - Yes. Adjacent property to the east was rezoned in May 1998 to R15.

TRAFFIC - Based on the Average Daily Trip (ADT) generation numbers for residential single-family (RS10), this proposal will generate 3,012 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendation

Current zoning - R15, Peak Adj. Street Traffic
(assumed single family, Code 210)
AM trips = 191 PM trips = 258

Proposed zoning - R10, Peak Adj. Street Traffic
AM trips = 287 PM trips = 386 (assumed single family, Code 210)

The number of increased trips from this zone change falls within the 100 trip trigger for a TIS. However, due to an easement running through the property, the number of lots may be decreased therefore decreasing the number of trips.

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 61 Elementary 44 Middle 36 High

Schools Over/Under Capacity - Students would attend Mt. View Elementary, Kennedy Middle School and Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously, to approve the staff recommendation to approve with conditions Item 2003Z-117Z-13. **(6-0)**

Resolution No. 2003 –324

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-117G-13 is **APPROVED. (6-0).**

The proposed RS 10 district is consistent with the Antioch- Priest Lake Subarea Plan's Neighborhood General (NG) policy calling for predominantly residential development. It is also consistent with the emerging zoning pattern in the area. The portion of the site containing the Neighborhood Center (NC) policy should be platted as usable open space when a plat is submitted to the Planning Department in the future."

9. **2003Z-119U-12**
Map 147-07, Parcels 29, 30 and Part of Parcel 34
Subarea 12 (1997)
District 27 (Foster)

A request to change from R6 district to MUL district properties at 4928 and 4932 Nolensville Pike, and a portion of property at Nolensville Pike (unnumbered), located abutting the south margin of Edmondson Pike, west of Nolensville Pike, (10.06 acres), requested by Jimmy Granbery, for H. G. Hill Realty, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Rezone 10.06 acres from residential (R6) to mixed use limited (MUL) property at 4928 and 4932 Nolensville Pike, and a portion of property at Nolensville Pike (unnumbered).

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This would allow approximately 62 lots on this property with 16 duplex lots for a total of 78 units.

Proposed Zoning

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

SUBAREA 12 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of "strip commercial" which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern.

Policy Conflict - The proposed zoning district (MUL) is consistent with the policy for this area in that it will allow a mixture of residential and commercial uses. Expansion of the commercial uses in the CAE policy is appropriate only to maintain the viability of existing businesses. The deepening of non-residential use to improve the function and enhance transition to a nodal pattern is encouraged, as long as the deepening does not encroach into stable residential areas. The proposed zoning does not expand the high intensity commercial district that is along Nolensville Pike. The proposed zoning provides a transition district between the commercial and residential districts along Edmondson Pike.

RECENT REZONINGS - None

TRAFFIC - Based on typical uses in MUL district, approximately 2,182 to 17,822 Average Daily Trips (ADT) could be generated ranging from office, residential, and specialty retail uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendation

Current zoning - R6, Peak Adj. Street Traffic (assumed single family, Code 210)

AM trips = 55 PM trips = 74

Proposed zoning - MUL, Peak Adj. Street Traffic (50% residential Code 210, 35% retail Code 850, note used only 50% of available floor ratio, 30% office Code 710)

AM trips = 441 PM trips = 1076

Depending on the establishment, the numbers above could have been higher.

The analyses of the TIS and its supplement indicate that this zone change will have minimum traffic impact on the roadway system in this area. The density of this development will be minimized due to the topography restrictions.

We submit the following conditions for this rezoning:

1. Two driveway access points shall be allowed on Edmondson Pk. Each access shall have 2 -11 ft wide exiting lanes for right and left turns and 1 entering lane 11 ft wide. One drive shall be located approximately 300 ft from the Nolensville/Edmondson Pk. intersection. The second drive shall be located approximately midway along the property frontage with a minimum distance of 185 ft from the easternmost drive.
2. One driveway shall be located along Nolensville Pk. This driveway shall have 2-11ft. wide exiting lanes for right and left turn lanes and 1 - 11ft wide entering lane.
3. The traffic signal at the intersection of Nolensville Rd. and Edmondson Pk. shall be modified to provide pedestrian signals. Developer shall install pedestrian signals and push buttons and cross walks and all accessory ADA facilities for all four approaches.
4. Vegetation shall be trimmed in order to avoid any sight distance restrictions at any of the site driveways.

SCHOOLS 27 Elementary 19 Middle 17 High

Schools Over/Under Capacity - Students would attend Tusculum Elementary, McMurray Middle School and Overton High School. McMurray and Overton 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.

***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.**

CONDITIONS - Planning staff recommends approval subject to the Public Works' conditions listed above.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 -325

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-119U-12 is APPROVED WITH CONDITIONS. (7-0)

Conditions of Approval:

1. Two driveway access points shall be allowed on Edmondson Pk. Each access shall have 2 -11 ft wide exiting lanes for right and left turns and 1 entering lane 11 ft wide. One drive shall be located approximately 300 ft from the Nolensville/Edmondson Pk. intersection. The second drive shall be located approximately midway along the property frontage with a minimum distance of 185 ft from the easternmost drive.
2. One driveway shall be located along Nolensville Pk. This driveway shall have 2-11ft. wide exiting lanes for right and left turn lanes and 1 - 11ft wide entering lane.
3. The traffic signal at the intersection of Nolensville Rd. and Edmondson Pk. shall be modified to provide pedestrian signals. Developer shall install pedestrian signals and push buttons and cross walks and all accessory ADA facilities for all four approaches.
4. Vegetation shall be trimmed in order to avoid any sight distance restrictions at any of the site driveways.”

The proposed MUL district is consistent with the Subarea 12 Plan's Commercial Arterial Existing (CAE) policy that recognizes existing areas of “strip commercial” characterized by commercial uses that are situated in a linear pattern

along arterial streets between major intersections. The MUL district is consistent with the policy for this area in that it will allow a mixture of residential and commercial uses.”

IX. PRELIMINARY SUBDIVISION PLATS

- 10. 2000S-396G-04**
Canton Pass Subdivision
Map 53, Parcel 21
Subarea 4 (1998)
District 9 (Forkum)

A request to extend the preliminary approval to October 11, 2004, where the preliminary approval will expire on October 11, 2003, for 130 lots abutting the east terminus of Canton Pass, approximately 360 feet east of Cheyenne Boulevard (95.16 acres), classified within the RS15 district, requested by Alvin R. Hawkins, owner/developer, Littlejohn Engineering, surveyor.

Staff Recommendation - *Approve extension to Oct. 11,, 2004.*

APPLICANT REQUEST

Preliminary Plat - The applicant has requested an extension of the preliminary plat approval to October 11, 2004. The preliminary plat for Canton Pass was approved with conditions by the Planning Commission on October 11, 2001, and is set to expire pursuant to Subreg. 3-3.5 on October 11, 2003, since no final plats have been approved and minimal work has begun.

The applicant states that they have been working to meet all of the requirements of the preliminary approval, including placing all lots out of the floodplain, which was done by filling the property. The applicant states that they have dug 13 test pits that have been inspected by a GeoTek Inc. engineer, and soil testing is continuing on the site, as required by the conditions of preliminary approval.

SUBDIVISION REGULATIONS - The Subdivision Regulations state the following:

Section 3-3.5 - “Effective Period of Preliminary Approval -- The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.

Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Regulations and Subdivision Regulations in force at that time.”

ZONING

RS15 district - The RS15 district is intended for single-family homes with a minimum lot size of 15,000 square feet.

SUBDIVISION DETAILS - The Planning Commission granted conditional preliminary plat approval subject to variances for cul-de-sac length, maximum lot size, lot depth to width ratio, floodway buffer, open space conservation easement, and sidewalks.

October 11, 2001 Staff Report

Since this request is only to extend the approval of the existing plan, no new plan has been submitted and a new staff report was not written. Staff has included the staff report and conditions of approval from October 11, 2001.

This request is for preliminary plat approval for a 130-lot residential subdivision located on approximately 95 acres at the terminus of Canton Pass, east of Cheyenne Boulevard in the RS15 district on the south bank of the Cumberland River. The proposed density is 1.37 dwelling units per acre. A similar preliminary plat was approved on January 7, 1999 for 133 single-family lots, but that plat expired on January 7, 2001. A previous preliminary plat was approved in April 1996, but it also expired. A significant portion of this property is encumbered by the Cumberland River floodway and floodplain. A greenway trail along the river will be dedicated and constructed by the applicant.

This property's floodplain has been filled by the landowner over the years with various materials, resulting in concerns about soil conditions and compaction. When the plat was originally approved in 1996, it was conditioned with the requirement for a geotechnical study. That study shall be required in conjunction with the final plat to determine roadbed compaction, prior to Public Works approving any street construction plans. In addition, prior to final plat approval, an engineering report shall be required to verify the viability and integrity of all proposed lots to support residential structures. Finished floor elevations for all lots will also need to be shown on the final plat.

The applicant plans a future FEMA map amendment that would alter the existing location of the floodway based on the changes created by filling. The amendment would remove some of the floodway from the applicant's property and add floodway to properties across the Cumberland River from the site. The FEMA map amendment process requires notification of all affected property owners. The amendment will not take place prior to this Planning Commission meeting, which will mean that Lot 58 cannot be developed, as the applicant indicates on the plat. Lot 58 does not include enough of a building envelope outside of the existing floodway on which to build. The map amendment would create enough building envelope for Lot 58 as well as create room for the other lots backing up to the river to construct decks and out buildings. The applicant plans to seek the map amendment following the Planning Commission approval of the preliminary plat and before he submits the final plat to staff.

Staff recommends conditional approval of this plat subject to the following variances:

Dead-End Cul-de-Sac

In order to avoid an excessively long dead-end street, two connections to streets to the west were required. Even with these connections, there is still an 800-foot long cul-de-sac, which requires a variance from the 750-foot maximum length permitted by the Subdivision Regulations.

Maximum Lot Size and Lot Depth to Width Ratio

Variances from the maximum lot size (45,000 square feet) and the 4:1 lot depth-to-width ratio in the Subdivision Regulations are also required for 52 lots. Due to the floodplain in the area, the applicant's proposal is the best possible pattern for development of the property that also provides for private boat docks.

Floodway Buffer

The applicant received a variance from the Stormwater Management Board on April 19, 2001 to eliminate the required 50-foot floodway buffer along the Cumberland River. The buffer's elimination allowed the applicant to provide lots with a reasonable building envelope. The Board approved the variance with the following conditions:

Metro Greenways staff shall provide a letter to Public Works to verify that all of their requirements have been adequately addressed.

Only one boat dock shall be allowed for every six lots that back up to Hill Island. A common access pathway shall be provided for each six lots so that only one footpath shall cross the Greenway trail for each boat dock.

All filling of the property to prepare the lots for construction shall be completed by August 5, 2001. No filling shall take place after that date. All disturbed areas shall be covered with seed and straw for stabilization immediately at the conclusion of the filling.

The undisturbed buffer area along the river shall include the entire floodway and shall be platted as a conservation easement. Restrictions for the use of the easement shall be in writing and provided to Public Works and Metro greenways for review and approval.

No fences will be allowed on any portion of the lots within the floodway.

The applicant violated condition No. 3 and continued to fill after August 5, 2001. Public Works issued a stop work order on August 24, 2001 and required the applicant to go back before the Stormwater Management Committee on September 21st (2001) to extend the August 5th (2001) deadline. That is why the applicant requested Planning Commission deferral at the August 30th (2001) MPC meeting.

At the September 21, 2001 Storm Water Management Committee meeting, the committee deferred the applicant's request to continue filling until final construction plans for the subdivision are approved by Public Works. The committee offered the following statement to clarify their position:

No additional filling or grading of any nature shall take place on the property until construction plans for the subdivision are approved by Public Works. This includes the dumping or spreading of any material including rock, dirt, or topsoil.

The disturbed areas shall be stabilized as best as possible. Some areas may not be able to sustain an adequate growth of vegetation because of a lack of adequate soil cover.

The stop work order posted on August 24, 2001, remains in affect.

The recording of the preliminary plat through the Metro Planning Commission can occur. The site is in compliance with the requirements of the committee as long as items #1-3 above are followed.

Open Space Conservation Easement

The Subdivision Regulations require an open space conservation easement in addition to the floodway buffer. The 50-foot floodway buffer coincides with the 75-foot open space buffer except for the remaining 25 feet. The Greenways Commission has agreed to not require the 75-foot buffer. Instead, the applicant will show the entire floodway as the open space conservation easement, as well as the pedestrian access trails that connect the greenway to the subdivision sidewalk system. The river's floodplain is so extensive on this site that if the trail were provided at the floodway fringe, as provided in the Subdivision Regulations, it would be far away from the actual riverbank. Therefore, the Greenways Commission agreed to altering the 75-foot buffer since the developer has agreed to construct the greenway trail at the river's edge. The greenway trail is a public access trail with a width of 14 feet.

The conditions of approval will include that the developer will finish his portion of the greenway in phase one. Construction drawings for Phase 1 must include the drawings for the entire greenway. The developer will be providing a 14-foot wide crusher with room for Metro to pave a 10-foot wide trail in the future. The trail will have two-foot wide shoulders.

The developer must complete the grading for the entire greenway before he can receive his first building permit. Signs indicating the presence of a public greenway trail must be located every 100' along the property at the edge of the conservation easement prior to the first building permit. The developer shall be responsible for the maintenance of all signs until all lots within the subdivision have been sold to the ultimate home purchaser. He must build the subsurface crusher layer prior to receiving building permits for homes that won't be used for models. We want the greenway to be visible to people buying the lots.

Sidewalks

The applicant plans to construct the 14-foot wide crushed rock public access trail in the greenway easement. Due to the significant investment this represents, staff recommends a variance to the sidewalk requirement for Arabian Court and Morgan Court, two cul-de-sac streets. The applicant also plans to provide pedestrian access easements and build three pedestrian paths connecting the subdivision to the public access trail (greenway).

CONDITIONS (on Oct. 11, 2001)

1. Metro Planning Commission approval of a variance for maximum lot size (Section 2-4.2 D of the Subdivision Regulations) for lots 8, 103, 104, 117 and 118.
2. Metro Planning Commission approval of a variance for lot width (Section 2-4.2 E of the Subdivision Regulations) for lots 6-44, 59-61, 63-68, 74, 86-90, 101-102, 105 and 117-121.

3. Metro Planning Commission approval of a variance for maximum length of dead end streets (Section 2-6.2.1 G) for the street Canton Pass.
4. Metro Planning Commission approval of a variance for the location of the Open Space Conservation Easement (Section 2-7.5).
5. Metro Planning Commission approval of a variance to the sidewalk requirement (Section 2-6.1) for sidewalks on both sides of all streets for Arabian Court and Morgan Court.
6. The developer shall bond or construct a 14-foot wide Greenway trail gravel base in accordance with the Greenway design standards. Prior to the issuance of any building permits for Phase 1, including model homes, grading for the greenway for the entire subdivision must be completed. Prior to the issuance of any building permits for Phase 1, with the exception of model homes, the portion of the greenway trail in Phase 1 must be constructed.
7. The developer shall bond or construct signs indicating the presence of the public greenway trail. The signs shall be installed every 100 feet along the lots at the edge of the conservation easement prior to the first building permit. Signs shall be posted with the text facing inward on the lot.
8. The developer shall be responsible for the maintenance of all greenway signs until all lots within the subdivision have been sold to the ultimate home purchaser. The signs shall be in accordance with the greenway design standards.
9. No building permit shall be issued for any home (except a permit may be issued for a model home) until all greenway signs are installed for all lots.
10. Lot 58 shall be designated as open space. It shall not be shown as a buildable lot. The land may be reclaimed for a lot once a FEMA map amendment removing a portion of the floodway from this property has been approved by the appropriate agencies.
11. Resubmit a revised preliminary plat reflecting condition 10 by October 22, 2001.

Approved extension to Oct. 11, 2004 (7-0), Consent Agenda

Resolution No. 2003 –326

“BE IT RESOLVED by the Metropolitan Planning Commission that the extension for preliminary approval of 2000S-396G-04 is **APPROVED TO OCTOBER 11, 2004.**” (7-0)

Mr. Small stated that the following two items were removed from the Consent Agenda before the meeting commenced. He noted that Councilman Sam Coleman was present in the audience and asked if he would like to have these two items presented and discussed.

Councilman Coleman stated that he has spoke to the parties involved with Items #2003S-063G-13 and #2003S-144G-13 and that an agreement was sought and that the Commission should place these two items back on the Consent Agenda.

11. **2003S-063G-13**
Hamilton Chase
Map 165, Parcel 9
Subarea 13 (2003)
District 32 (Coleman)

A request for preliminary plat approval for a 128 lot cluster subdivision abutting the south margin of Hamilton Church Road, approximately 791 feet west of South Shore Drive, (34.62 acres), classified within the RS10 district, requested by Windhaven Shores, Inc., owner/developer, MEC, Inc., surveyor.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

Preliminary Plat - Subdivide 34.62 acres into a 128 lot cluster subdivision abutting the south margin of Hamilton Church Road, approximately 791 feet west of South Shore Drive.

ZONING

RS10 District - RS10 district allows single-family and requires a minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes lots that range in size from 5,002 to 17,570 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase.

SUBDIVISION DETAILS - This development is part of the 375.52 acre “Windhaven Shores” rezoning in the Antioch area from the summer of 2002 (ORDINANCE NO. BL2002-1148 and 2002Z-071G-13).

School Site Dedication - The rezoning was conditioned that prior to final plat approval, a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential. The developer has already begun working to fulfill this requirement. Mandatory Referral 2003M-096U-13 authorizes the acceptance of an 11 acres school site and was recommended for approval by the Planning Commission on September 11, 2003.

Details - The proposed plat provides 3 stub-streets to be extended in the future should the adjacent properties develop. These stub-streets are necessary to provide an interconnected street network in this rapidly developing area. These connections will provide alternative travel routes to schools and future neighborhood centers outlined in the Subarea 13 Plan.

The proposed plat provides a tie-in to the undeveloped Hallmark Subdivision to the south, and the developing Southshore PUD to the east. The connection through the Hallmark Subdivision will help to finish a north-south connector between Pin Hook Road and Hamilton Church Road.

The plat includes the required 20 foot “C” landscape buffer yards along the perimeter of the site.

Four lots are designated as critical lots due to adjacent sinkholes. A geotechnical investigation of these sinkholes will be required prior to final plat approval for any lots in the drainage area of a sinkhole in danger of having water back up on them from detention and or the floodplain of the sinkhole during a 100 year storm, shall have a minimum lowest floor elevation established, including any unfinished basement. Prior to the issuance of any building permits for lots designated with an (*), a geotechnical inspection shall be required before footings are poured.

Public Works Recommendation

1. Improvements along the existing road frontage (Hamilton Church Road) to be constructed to the roadway standards as designated in the Major Thoroughfare Plan (collector) to include curbs, gutters and sidewalks meeting Public Works standards.
2. Left turn lane into the subdivision from the Hamilton Church Road.
3. A deceleration lane is to be provided into the subdivision from Hamilton Church Road.
4. Provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or construct the turn lane improvements within 6 months.
5. After approval of the preliminary plats, final construction plans must be approved by Public Works prior to beginning construction.

CONDITIONS

1. A revised preliminary plat shall be submitted by October 9, 2003 showing:
2. improvements along the existing road frontage of Hamilton Church Road to the collector standard as shown in the Major Thoroughfare Plan to include curbs, gutters and sidewalks meeting Public Works standards.
3. Left turn lane into the subdivision from the Hamilton Church Road.
4. A deceleration lane is to be provided into the subdivision from Hamilton Church Road.
5. The development will be required to provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or construct the turn lane improvements within 6 months. A bond shall be required with the first final plat submitted for either subdivision

Approved with conditions, (6-0) Consent Agenda

Resolution No. 2003 –327

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary plat 2003S-063G-13 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. A revised preliminary plat shall be submitted by October 9, 2003 showing:
2. improvements along the existing road frontage of Hamilton Church Road to the collector standard as shown in the Major Thoroughfare Plan to include curbs, gutters and sidewalks meeting Public Works standards.
3. Left turn lane into the subdivision from the Hamilton Church Road.
4. A deceleration lane is to be provided into the subdivision from Hamilton Church Road.
5. The development will be required to provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or construct the turn lane improvements within 6 months. A bond shall be required with the first final plat submitted for either subdivision.”

- 12. 2003S-144G-13**
 Lakewalk Subdivision
 Map 164, Parcel 204
 Subarea 13 (2003)
 District 32 (Coleman)

A request for a preliminary plat approval for 101 lots abutting the east margin of Hobson Pike, approximately 630 feet south of Hamilton Church Road, (27.45 acres), classified within the RS10 district, requested by Jack William Construction, Company, owner, MEC Inc., surveyor.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

Preliminary Plat - Subdivide 27.45 acres in a 101 lot cluster subdivision, located abutting the east margin of Hobson Pike.

ZONING

R10 District - R10 district allows duplex and single-family lots and requires a minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes lots that range in size from 5,000 to 15,400 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase.

SUBDIVISION DETAILS - This development is part of the 375.52 acre “Windhaven Shores” rezoning in the Antioch area from the summer of 2002 (ORDINANCE NO. BL2002-1148 and 2002Z-071G-13).

School Site Dedication - The rezoning was conditioned that prior to final plat approval, a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential. The developer has already begun working to fulfill this requirement. Mandatory Referral 2003M-096U-13 authorizes the acceptance of an 11 acres school site and was recommended for approval by the Planning Commission on September 11, 2003.

Design - The proposed plat provides a tie-in to the developing Hallmark Subdivision (2002S-064G-13) to the southeast, providing a continuation of an east-west collector road. The proposed plat also provides 3 stub-streets to be extended in the future should the adjacent properties develop. These stub-streets are necessary to provide an interconnected street network in this rapidly developing area. These connections will provide alternative travel routes to schools and future neighborhood centers outlined in the Subarea 13 Plan.

The plat includes the required 20 foot “C” landscape buffer yards along the perimeter of the site.

Public Works Recommendation

1. TDOT currently has plans to widen Hobson Pike, therefore the development is not required to widen Hobson Pike along the frontage of Lakewalk. The development is required to construct a sidewalk with curb and gutter along the Hobson Pike frontage.
2. Left turn lane the subdivision from the Hobson Pike.
3. A deceleration lane is to be provided into the subdivision from the Hobson Pike.
4. Provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or constructing the turn lane improvements within 6 months.
5. After approval of the preliminary plats for Lakewalk and Hamilton Chase, final construction plans must be approved by Public Works prior to beginning construction.

CONDITIONS

1. A revised preliminary plat shall be submitted by October 9 that shows sidewalk, curb and gutter along the frontage of Hobson Pike.
2. Left turn lane the subdivision from the Hobson Pike.
3. A deceleration lane is to be provided into the subdivision from Hobson Pike.
4. Provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or constructing the turn lane improvements within 6 months. A bond shall be required with the first final plat submitted for either subdivision.

Approved with conditions, (6-0) Consent Agenda

Resolution No. 2003 –328

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary plat 2003S-144G-13 is **APPROVED WITH CONDITIONS. (6-0)**”

Conditions of Approval:

1. A revised preliminary plat shall be submitted by October 9 that shows sidewalk, curb and gutter along the frontage of Hobson Pike.

2. Left turn lane the subdivision from the Hobson Pike.
3. A deceleration lane is to be provided into the subdivision from Hobson Pike.
4. Provide left turn lanes eastbound and westbound at the intersection of Hamilton Church and Mt. View Roads. These improvements are required after the issuance of 115 building permits for either Hamilton Chase, Lakewalk or both developments. After the 115th permit, the developer(s) have the option of donating to Metro \$150,000.00 within 30 days or constructing the turn lane improvements within 6 months. A bond shall be required with the first final plat submitted for either subdivision.”

- 13. 2003S-173G-03**
Fontanel
Map 49, Part of Parcels 140, 200.01 and 319
Subarea 3 (1998)
District 3 (Hughes)

A request for preliminary plat approval for 14 lots abutting the east margin of Whites Creek Pike, approximately 1,100 feet north of Lloyd Road, (37.81 acres), classified within the R15 and RS20 districts, requested by Fontanel Properties, LLC, owner, Advantage Land, surveyor. (Deferred from meeting of September 11, 2003).

Staff Recommendation - *Approve with conditions, disapproving the request for sidewalk relief, and approving the request for alternate greenway dedication.*

APPLICANT REQUEST

Preliminary Plat - Subdivide 37.81 acres into a 14-lot subdivision with 31.86 acres of common open space.

ZONING

R15 District - R15 district allows single-family and duplex lots and requires a minimum lot size of 15,000 square feet.

RS20 - RS20 district allows single-family lots and requires a minimum lot size of 20,000 square feet.

SUBDIVISION DETAILS

Existing Structures - There are two homes existing on the site that will remain - one each on proposed lots 8 and 14. An estate home exists at the rear of the remaining tract that will later be developed as Phase II and will use the existing drive between lots 3 and 4 for access.

Floodplain - Approximately 36 acres of the subdivision are encumbered with floodplain. Approximately 12.3 acres of the floodplain (33%) have been marked as disturbed; the remaining 67% will be undisturbed. The borrow area to fill the proposed lots is located on the east side of the creek.

Greenway - A conservation easement has been shown on all of the land encumbered by floodway and the first 75 feet beyond the floodway on both sides of Whites Creek. A greenway easement has been shown in the last 25 feet along the outside edges of the conservation easement.

The Metro Parks Staff and the applicant have agreed on an alternate design: the developer will build a 10-foot wide asphalt trail, meeting Metro Greenway standards, on both sides of Whites Creek. The public will be allowed access to the creek and the trail, the trail, and a 20 foot greenway buffer on the opposite side of the trail from the creek which will extend the length of the creek and the trail. The developer will also construct a 10-foot pedestrian easement in compliance with Section 2.6-1 G of the Subdivision Regulations from Whites Creek Pike to the greenway. On September 26, 2003 Greenways Staff and Planning Staff met with the applicant and preliminarily agreed to the trail location. All further details will be worked out prior to final plat approval.

The applicant has requested a variance from the last 25-feet of the conservation easement on the west side of the creek for the following reasons:

1. The floodway is uniquely wide along Whites Creek Pike and provides more than enough room to protect the natural environment and habitat of Whites Creek.

2. Under the alternative location of the greenway path agreed to by the applicant, planning and greenways staffs, the 25-foot will not be used for the location of the path.
3. The applicant is constructing the greenway path on both sides of the creek at their own expense.
4. By eliminating the 25-foot easement the lots along Whites Creek Pike can be enlarged to continue the rural character of Whites Creek Pike.

Staff recommends approval of the request to reduce the conservation easement by 25-feet on the west side of the Whites Creek because of the uniquely wide floodway and the alternate location of the greenway path.

Sidewalk Relief - The applicant has requested sidewalk relief based on Section 2-6.1 C. of the Subdivision Regulations “in lieu fee” provisions. That section states that relief may be available if the property falls under one of seven provisions and where the construction of a sidewalk is not feasible or practical at the time of plat approval. The provision that the applicant has based their request on states that relief may be granted, “When the surrounding area within a .25 mile radius is predominantly without sidewalks and the installation of the sidewalks would be non-contiguous and not from intersection to intersection.” Staff recommends disapproval of the request for relief because the Planning Department has been advised by Metro Legal that this section of the Subdivision Regulations cannot currently be applied because an implementation mechanism is not in place.

Sidewalk/Bike Lane Constructability - The sidewalk would continue approximately 1,050 ft. along the eastern margin of Whites Creek Pike. With the construction of sidewalks along Whites Creek Pike, a 12-foot wide right-of-way dedication is required. It should also be noted that Whites Creek Pike is included in the Vision Map of the Strategic Plan for Sidewalks and Bikeways. At this time there is not an adopted cross-section that would require the dedication of 4 additional feet of land for the bike lane.

Public Works requires a curb, gutter, grass strip, and driveway ramps to accommodate an ST-210 sidewalk. Multiple utility poles would need to be relocated and trees possibly removed.

Staff Recommendation - Disapprove relief for the sidewalk. Alex Green Elementary School is within 500 feet of the southern edge of this property on the opposite side of Whites Creek Pike. There is a neighborhood commercial node to the north. There is another subdivision (Cherry Grove, Map 49 Parcel 42) in review across Whites Creek Pike with 44 lots proposed for Phase I. The proposed subdivision has a smaller frontage, 327 feet, but has incorporated sidewalks into their plan. In addition, the bikeway compatibility index in the Strategic Plan for Sidewalks and Bikeways rates this section of Whites Creek Pike as very high.

Applicant’s Alternative Proposal - If the Commission chooses not to grant a waiver to the sidewalk requirements the applicant has proposed an alternative construction standard. The applicant states that the “rural style road cross section” found in this part of Whites Creek Pike does not lend itself to incremental upgrading with curb, gutter and sidewalk. The applicant has requested to use the “rural pedestrian facilities side path” as shown in Appendix B of the Strategic Plan for Sidewalks and Bikeways. The sidepath does not require the construction of curb and gutter.

The applicant bases their request on the following:

1. There are no near term plans to widen or upgrade Whites Creek Pike.
2. A great deal of surveying would be required and a highway design study extending some distance from Fontanel would be required to determine proper cross section and transition into and out of irregular road cross sections.
3. In an area where pedestrian activity is very low, they have already agreed to build two greenway paths and a pedestrian easement to get back to the greenway. These paths will provide for walking as well as biking, which is not permitted on the sidewalk.
4. Any construction would necessitate the removal of all trees and vegetation along Whites Creek Pike.

Staff Recommendation - A side path would require a buffer area of at least five feet to separate the side path from the road shoulder. The buffer area would contain a swale or ditch to accommodate stormwater. The use of the side path would be more appropriate to the rural character of Whites Creek Pike than a standard curb and gutter. Although the final authority for construction standards within the public right-of-way lies with Metro Public Works, staff recommends that the Commission approve the applicant’s request from the alternate side path standard.

Public Works Recommendation - Public Works has agreed to the joint use driveways to serve the proposed lots.

If no relief is granted for the sidewalk construction on Whites Creek Pike, Public Works will review construction plans for design and construction within the arterial designated U4 right-of-way for compliance with Public Works Standards. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

In response to the request for a sidepath in-lieu of curb and gutter, Public Works recommends the appropriate standard section which includes curb and gutter.

CONDITIONS

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The plat shall be revised to show the 10-foot wide asphalt trail, meeting Metro Greenway standards, on both sides of Whites Creek. The Greenway Access Easement shall be shown to include access to the creek from the trail, the trail, and a 20 foot greenway buffer on the opposite side of the trail from the creek which will extend the length of the creek and the trail. The plat shall also show a 10-foot pedestrian access easement from Whites Creek Pike to the greenway easement. If the developer decides not to construct the greenway path, then the entire floodway area plus 75-feet on each side of Whites Creek will be required to be a Greenway Easement.
3. A fence is allowed within the conservation easement, on the outside of the greenway path away from the creek. The exact location and design shall be approved by the greenways commission staff prior to installation.
4. A revised plat must be submitted including right-of-way dedication along Whites Creek Pike to U4 standards and sidewalk construction.
5. A revised plat must be submitted providing information on the amount of land encumbered by floodway, as well as revised calculations.
6. A revised plat shall be submitted by October 9, 2003.

Ms. Fuller stated that staff is recommending approval with conditions.

Mr. Tom Nebel, 1101 17th Avenue South, thanked the staff for their creative suggestions for this project. He spoke in favor the project.

Mr. Ambrose Clay, president of Homeowners Enterprise, requested that the Commission defer this item until additional information could be obtained regarding the ownership of the parcels included in this proposal.

Mr. Fox explained the legal issues involved with ownership claims of the property and the Commission's responsibility if approval was obtained.

Mr. Small requested that Mr. Clay furnish the information pertaining to titles and ownership of the parcels to Ms. Fuller.

Mr. Tyler expressed concerns regarding the fact that Mr. Clay has been before the commission with the same legal issues regarding this project.

Mr. Bernhardt stated that the Planning staff had obtained the necessary legal information needed in order to move forward on this proposal.

Mr. Sweat asked for clarification on the difference between a sidewalk and a sidepath.

Ms. Fuller provided the information and added that the Public Works Department has not approved the suggested side paths included in this proposal.

A discussion ensued among the Commission members regarding the proposed conditions of this project. Items discussed were sidepaths, sidewalks with curbs and gutters, obtaining approval from the Public Works Department and whether the applicant would be able to move forward on this project is approved as presented.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve with conditions, but disapproved the requirements for sidewalk relief, including an alternate sidepath where its approval is subject to Public Work's review and approved the requirement for an alternate greenway dedication. **(6-0)**

Resolution No. 2003 –329

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary plat 2003S-173G-03 is **APPROVED WITH CONDITIONS, APPROVED AN ALTERNATIVE SIDEPATH CONSTRUCTION STANDARD, REQUEST FOR AN ALTERNATE GREENWAY DEDICATION, BUT DISAPPROVED REQUEST FOR SIDEWALK RELIEF. (6-0)**

Conditions of Approval:

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The plat shall be revised to show the 10-foot wide asphalt trail, meeting Metro Greenway standards, on both sides of Whites Creek. The Greenway Access Easement shall be shown to include access to the creek from the trail, the trail, and a 20 foot greenway buffer on the opposite side of the trail from the creek which will extend the length of the creek and the trail. The plat shall also show a 10-foot pedestrian access easement from Whites Creek Pike to the greenway easement. If the developer decides not to construct the greenway path, then the entire floodway area plus 75-feet on each side of Whites Creek will be required to be a Greenway Easement.
3. A fence is allowed within the conservation easement, on the outside of the greenway path away from the creek. The exact location and design shall be approved by the greenways commission staff prior to installation.
4. A revised plat must be submitted including right-of-way dedication along Whites Creek Pike to U4 standards and sidewalk construction.
5. A revised plat must be submitted providing information on the amount of land encumbered by floodway, as well as revised calculations.
6. A revised plat shall be submitted by October 9, 2003.”

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- 14. 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.

The Metro Planning Commission deferred item 2003S-222U-10 to October 9, 2003 at the request of the applicant. (7-0), *Consent Agenda*

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- 15. 2003S-234G-14**
Stoner’s Glen, Revision of Phases 3 and 4
Map 75, Parcel 105 and Part of Parcel 67
Subarea 14 (1996)
District 12 (Gotto)

A request for preliminary plat approval to subdivide one lot into two lots abutting the west margin of CSX railroad, approximately 150 feet south of Stoner's Glen Court, (6.49 acres), classified within the RS15 and RM4 districts, requested by Stoner's Glen, LLC, developer, C. Michael Moran, RLS, surveyor.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

Preliminary Plat - Subdivide 6.49 acres into a 2-lot subdivision between Stoner’s Glen Road, south of Stoner’s Glen Court, including the dedication of a new public road.

ZONING

RS15 and RM4 districts - The RS15 district is intended for single-family homes with a minimum lot size of 15,000 square feet, while the RM4 district is intended for multi-family development at a maximum of 4 dwelling units per acre.

SUBDIVISION DETAILS - The proposed subdivision was not approved administratively because it includes a new public road (Stoner’s Cove) and the Subdivision Regulations require that the Planning Commission approve new road dedications. The plat includes two lots. The existing single-family home is included within the RS15 portion of the plat, while the second lot will allow for future multi-family development.

The cul-de-sac is approximately 560 feet in length and falls within the permitted length for a street with a turnaround (2-6.2.1. G).

A water quality pond is included, located adjacent to the western margin of lot seven with a ten foot easement along the southern edge of lot seven.

TRAFFIC

Public Works Recommendation - No exceptions taken.

CONDITIONS

Prior to the recording of a final plat, bonds must be posted for any necessary public improvements, including the new public road.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –330

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary plat 2003S-234G-14 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

Prior to the recording of a final plat, bonds must be posted for any necessary public improvements, including the new public road.”

X. FINAL PLATS

- 16. 2002S-340G-14**
 Windstar Estates, Section 1
 Map 43, Part of Parcels 7 and 8
 Subarea 14 (1996)
 District 11 (Brown)

A request for final plat approval to create 47 lots abutting the southwest margin of Swinging Bridge Road and the northwest corner of Warren Drive and Keeton Avenue, (34.92 acres), classified within the R10 and R15 districts, requested by Gene H. Scott, Jr., owner/developer, Burns and Associates, Inc., surveyor.

The Metro Planning Commission deferred item 2002S-340G-14 to October 23, 2003 at the request of the applicant. (7-0), Consent Agenda

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 17. 134-78-U-13**
Drury Development Corporation PUD
Map 107, Parcel 87
Subarea 13 (2003)
District 13 (Burch)

A request to cancel the undeveloped Commercial Planned Unit Development located abutting the west margin of Briley Parkway, south of Glastonbury Road, classified CL, (2.69 acres), approved for a 8,000 square foot restaurant and a vehicular rental facility, requested by Wamble and Associates,for DSW Development Corporation, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

Cancel PUD - Cancel the undeveloped Commercial PUD (2.69 acres) at Glastonbury Road (unnumbered), located along the west side of Briley Parkway.

PLAN DETAILS

History - The approved preliminary PUD plan allowed for an 8,000 square foot restaurant and vehicular rental facility.

Existing Base Zoning

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

Staff Recommendation - Staff recommends approval of the PUD cancellation since the underlying base zoning is consistent with the Antioch-Priest Lake (Subarea 13) Plan’s Commercial Mixed Concentration (CMC) policy that allows for a mixture of commercial and residential uses. CMC calls for medium high to high density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

The Antioch-Priest Lake Plan was adopted by the Planning Commission on July 10, 2003.

Approved (7-0), *Consent Agenda*

Resolution No. 2003 –331

“BE IT RESOLVED by the Metropolitan Planning Commission that Commercial Planned Unit Development No. 134-78-U-13 is **APPROVED. (7-0)**”

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- 18. 116-83-U-11**
Willowbrook Marketplace
Map 119-11, Parcels 163-172
Map 119-15, Parcels 123 and 124
Subarea 11 (1999)
District 16 (McClendon)

A request for final approval for the Commercial Planned Unit Development located abutting the southeast corner of Briley Parkway and Thompson Lane, classified CL, (12.54 acres), to permit the development of a 108,037 retail and restaurant shopping center, requested by Design and Engineering,for T & M Briley Development, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD -Request for final PUD approval to allow the development of a 108,037-square foot commercial retail shopping center, on a 12.54-acre site. The property is located on an island of land between Briley Parkway, Thompson Lane, and Interstate-24.

EXISTING ZONING

CL base zoning with Commercial PUD - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

Under the Council ordinance establishing this PUD overlay (BL2002-1155), specific uses were limited or listed as prohibited. They are as follows: Restaurants may only be "sit down / full service" and may not be fast food, and there shall be no car washes, nightclubs, or automotive repair which is incidental to any retail business.

PLAN DETAILS

This commercial PUD was originally approved by the Metro Council in October 2002, and allowed for the development of an 117,324-square foot commercial retail center. In addition, a list of supplementary conditions was approved as part of the bill. These conditions require certain architectural embellishments, limit permitted uses and times of operation, and require certain access and roadway improvements to Thompson Lane.

This final plan proposes to construct three separate structures, backing up to Briley Parkway and Interstate-24, of which the largest will contain a 57,789-square foot Kroger grocery store as the principal anchor store. Attached to the Kroger will be 23,948 square feet of additional retail space. The second, smaller structure will contain 19,100 square feet of retail space, and the third will be a 7,200-square foot stand-alone restaurant in the northeast corner of the site.

Supplementary Conditions - The Metro Council approved a list of supplementary conditions as part of the October 2002 preliminary PUD approval. Following are some of the conditions that were addressed during the plan review process:

1. The developer will use their best efforts to place weeping willows and bull rushes in the detention pond area[s]. This landscape plan shall be submitted showing a type "B" landscape buffer yard along the entire frontage of Thompson Lane, except where there are driveway locations.
2. Bike racks shall be included and designated on the plat.
3. The developer shall bear the expense of a traffic light at one entrance to the development. The second entrance shall be a right-in and right-out only, and the third entrance shall be a right-in and right-out only as well. There shall be a stacking lane for left-turn movement at traffic light entrance, and a stacking lane for right-turn movement on the other two entrances.
4. The developer shall pay into an escrow account the sum of \$38,000 (the exact date when these monies are to be paid and the identification of the escrow account shall be as directed by the Councilperson for the 16th councilmanic district), as a contribution for traffic light signalization and turn lanes at East Thompson Lane, Glenrose Avenue, and Drummond Drive, but...the developer shall have no liability for the design or the work.
5. All HVAC systems shall be screened in an aesthetically pleasing manner. Dumpsters must be emptied between the hours of 8 AM and 8 PM and the developer shall put this requirement in its leases.
6. The developer shall require "sit down / full service" restaurants, as opposed to "fast food" restaurants.
7. All fencing on the property shall be either brick or natural stone or white picket-style or decorative steel or iron, and there shall be no hurricane fencing or razor wire except for colored and coated hurricane / cyclone fencing around the detention pond[s].
8. All lighting in this development shall be of a type directed towards the boundaries of the development and in an aesthetically pleasing manner, so that there will not be significant glare off the property.
9. Developer agrees that all facades of buildings will be of brick with dryvit accent.
10. There will be no car washes, nightclubs, or automotive repair which is incidental to any retail business. Developer agrees to include this language in any lease dealing with a use which includes automotive repair.

Closure / Abandonment of Willow Brook Drive and portion of Thompson Lane Right-of-Way

As a part of this PUD process, a Metro street (Willow Brook Drive) and a 940-foot portion of Thompson Lane along the property frontage had to be abandoned to allow for the consolidation of properties into one developable tract. This has been completed per Ordinance BL2003-1344, which was approved by Metro Council on June 4, 2003.

Off-site Traffic Signal & Turn Lane Escrow Account

Per the applicant’s resubmittal documentation, “the developer has paid \$38,000 in escrow being held for contribution of the traffic light signalization and turn lanes at East Thompson Lane, Glenrose Avenue and Drummond Drive. The escrowed funds are being held by attorney, Thomas White, of Tune, Entekin, & White.” According to Metro Public Works, these funds will be transferred to Metro Government following all final approvals and prior to construction of the project.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

CONDITIONS

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

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –332

“BE IT RESOLVED by the Metropolitan Planning Commission that Commercial Planned Unit Development No. 116-83-U-11 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

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

19. **309-84-U-12**
Hickory Point at Brentwood
Map 161, Parcel 79
Subarea 12 (1997)
District 27 (Foster)

A request to revise the preliminary plan for the undeveloped Residential Planned Unit Development located abutting the north margin of Old Hickory Boulevard, east of Amalie Drive, classified RM15, (24.9 acres), to permit the development of 298 multi-family units to replace the approved and undeveloped 300 multi-family units, requested by Ragan-Smith and Associates, for Doug Hirt, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Revise Preliminary - Request to revise the preliminary PUD plan by revising the building layout and internal drive network to allow for the development of a 298-unit multi-family complex, on a 24.9-acre tract. The property is located along the north side of Old Hickory Boulevard.

PLAN DETAILS

This residential PUD was originally approved by Metro Council in 1984 and allowed for the development of a 300-unit apartment complex on the 25-acre site. The PUD was most recently revised and given final PUD approval, for the 300-unit complex, in July 1986. That project never developed and now the applicant is requesting a revision to the PUD by reducing the number of units by 2 to 298 and revising the building layout and internal private drive system.

The 25-acre site rises from Old Hickory Boulevard to the north and peaks at an existing water tower. The developer is proposing to develop the site in a stepped manner down to Old Hickory Boulevard and will provide one main private drive through the site with pods of buildings located off of this spine road. A clubhouse / recreational facility and leasing office will be provided at the base of the hill near the single point of access – which will be off of Hickory Villa Drive in the southeast corner of the site.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

CONDITIONS

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. This preliminary plan approval is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –333

“BE IT RESOLVED by the Metropolitan Planning Commission that Residential Planned Unit Development No. 309-84-U-12 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. This preliminary plan approval is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

20. 89-87-P-03
Chateau Valley Phase 5
Map 70, Part of Parcel 1
Subarea 3 (1998)
District 2 (Isabel)

A request for final approval for Phase Five of the Residential Planned Unit Development located abutting the east margin of Old Buena Vista Road, opposite Stokers Lane, classified RS15, (4.40 acres), to permit the development of 21 single-family lots, requested Ragan-Smith and Associates, for Chateau Associates, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Revised Preliminary & Final PUD - Request to revise the preliminary PUD plan and for final PUD approval for a portion of the Chateau Valley Residential PUD by adjusting phase lines and updating the master phase plan and for final approval of Phase 5 to allow for 21 single-family lots, on a 4.40-acre tract. The property is located east of Old Buena Vista Road and just north of Nocturne Forest Drive.

PLAN DETAILS

The Chateau Valley PUD has not been revised recently. Phases 2 and 3 received final PUD approval in early 1997 and late 1998, respectively.

The plan for Phase 5 will help complete some of the planned connectivity through and out of the subdivision. This phase will connect Stokers Lane, which connects to the south through the Nocturne Forest Subdivision, to Old Buena Vista Road – which continues on to Buena Vista Pike. Phase 5 proposes 21 single-family lots which will range from 7,800 square feet to over 11,000 square feet per lot. Sidewalks are proposed along the north side of Stokers Lane and along the east side of the single cul-de-sac. This PUD was originally approved by Metro Council in 1988 with sidewalks along one side of the proposed streets.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

CONDITIONS

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

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –334

“BE IT RESOLVED by the Metropolitan Planning Commission that Residential Planned Unit Development No. 89-87-P-03 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

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

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- 21. 89P-018U-12**
Bradford Hills Plaza (Gillespie Meadows Commercial PUD)
Map 172, Parcel 195
Subarea 12 (1997)
District 31 (Toler)

A request for a revision to preliminary and for final approval for a phase of the Commercial Planned Unit Development located at the north margin of Bradford Hills Drive, west of Nolensville Pike, classified SCN, (1.33 acres), to permit the development of a 5,160 square foot retail, dry cleaners and restaurant to replace the approved and undeveloped 2,000 square foot convenience store and 2,160 square foot medical office, requested by Batson Associates Engineering, for Turner and Associates Realty, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Revised Preliminary & Final PUD - Request to revise the preliminary PUD plan and for final PUD approval for a portion of the Gillespie Meadows Commercial PUD to allow for the development of a 5,160-square foot multi-use building and separate on-site ATM machine, on a 1.33-acre tract. The property is located on the northwest corner of Nolensville Pike and Bradford Hills Drive.

PLAN DETAILS

The land area of the Gillespie Meadows Commercial PUD was at one time a part of residential PUD that was to become the Bradford Hills Residential PUD. The Bradford Hills PUD and the adjacent Gillespie Meadows PUD were approved by the Metro Council in 1989. A revision to the preliminary PUD plan, for this 1.33-acre tract, was approved by the Metro Planning Commission in 1999 to allow for a 2,100-square foot medical clinic and a 2,000-square foot convenience market.

The developer contacted staff this past year to discuss possible revisions to the plan. In light of the Lenox Village UDO, directly across Nolensville Pike, and its new urbanist development intentions, staff recommended that the developer provide for a more pedestrian-friendly development on this northwest corner of the intersection. The plan, as submitted, proposes a 5,160-square foot multi-use building that will support a drive-through dry cleaner, a retail shop, and a restaurant. The building was successfully pulled to the corner of the site, and it provides for a more pedestrian-friendly orientation to the Nolensville / Bradford Hills intersection. Parking is located to the north of the building where an on-site drive-up ATM is proposed adjacent to the northern point of ingress & egress.

SCN DISTRICT

Shopping Center Neighborhood is intended for a limited range of retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas. This revision is consistent with the underlying SCN base zone district.

METRO PUBLIC WORKS' FINDINGS - No Exceptions Taken

CONDITIONS

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

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 -335

“BE IT RESOLVED by the Metropolitan Planning Commission that Commercial Planned Unit Development No. 89P-018U-12 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

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

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- 22. 2000P-001U-10**
Harris Teeter (Pharmacy)
Map 104-15, Parcel 179
Subarea 10 (1994)
District 18 (Hausser)

A request to revise a portion of the preliminary plan of the Planned Unit Development located on the west side of 21st Avenue South and the south side of Blair Boulevard, classified MUL, to permit the conversion of 6,470 square feet of office space to a retail pharmacy use, requested by Barge, Cauthen and Associates, Inc., for H. G. Hill Realty, owner.

Staff Recommendation - Approve with conditions.

APPLICANT REQUEST

Revise Preliminary - Request to revise the preliminary PUD plan and for final PUD approval to allow for the development of a 6,470-square foot Harris Teeter pharmacy on the 2nd floor of the existing 2-story building. The property is located at the southeast corner of Blair Boulevard and 21st Avenue South.

PLAN DETAILS

This commercial PUD was originally approved by the Metro Council in March 2000 and allowed for the development of a 25,050-square foot grocery store on the first floor and a 7,500-square foot office use on the second floor. This requested revision only changes the second floor use by requesting a 6,470-square foot pharmacy that will be operated by Harris Teeter. The second floor has already been constructed for use as an office.

Parking Demand - A Parking Demand Study, completed by RPM Transportation Consultants, was submitted as part of the request. This study outlines measures the Code requires for both uses and the current and future parking demand by both uses versus the number of parking stalls provided. “The project site contains an existing building that is 32,550 square feet in size. Approximately 26,080 square feet is used for the Harris Teeter grocery store. The parking lot contains... a total of 122 parking spaces. [T]he Zoning Regulations require one parking space per 200 square feet of building space, with the first 2,000 square feet of building space exempt.” The pharmacy will require one space per 250 square feet with the same 2,000-square foot exemption. Also, both uses benefit from a 20% reduction in required parking, per use, based on the following: 1) Uses within the Urban Zoning Overlay (UZO) that are within 660 feet of a public transit route receive a 10% reduction, and 2) uses within the UZO that allow pedestrians to walk along a continuous sidewalk system within 1,320 feet of the use can receive another 10% reduction. According to the Code requirements, along with the above provisions, the grocery store / pharmacy combination would require 110 parking spaces. “As previously stated, the Harris Teeter parking lot currently contains 122 parking spaces. According to the Zoning Regulations, only 110 parking spaces are required to serve both the existing grocery store and the proposed pharmacy.”

The parking study also measured the existing parking demand based on actual occupancy counts and how those counts would affect the projected parking demand for the proposed pharmacy. “The trip generation calculations show that, typically, a pharmacy with 6,470 square feet of space is expected to generate approximately 582 trips per day. The results of the analyses presented in this study indicate that the total peak parking demand for the existing grocery store and the proposed pharmacy will be 113 parking spaces. Based on the projected parking demand, the capacity of the existing parking lot is 7 percent more than projected required capacity. Therefore, the existing parking lot is expected to sufficiently serve the proposed development.”

Staff supports the applicant’s request since the aforementioned figures show that the existing parking provisions will support the additional use. There is a condition that was approved as part of the 2000 bill that requires that “any change in status or use of the designated green space shall not be effective until such changes have been approved by ordinance of the Metropolitan County Council.” No change is proposed to this area.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

CONDITIONS

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

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –336

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 2000P-001U-10 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

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

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- 23. 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.

The Metro Planning Commission deferred the Planned Unit Development 2001P-005U-10 to October 9, 2003 at the request of the applicant. (7-0), Consent Agenda

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- 24. 2003P-012U-08**
1200 Fifth Avenue North PUD
Map 82-09, Parcels 484 and 485
Subarea 8 (2002)
District 19 (Wallace)

A request for preliminary and final approval for a Planned Unit Development located abutting the northeast corner of 5th Avenue North and Madison Street, classified MUN, (.29 acres), to permit a restaurant within the Mixed Use Development to have an exemption from the minimum distance requirements included in the beer provisions of the Metro Code, requested by Germantown Partners, LLC, owner.

Staff Recommendation - Approve with Conditions

APPLICANT REQUEST

Preliminary & Final PUD - Request for preliminary and final PUD approval which will allow for a distance exemption from the beer licensure requirements for a proposed restaurant to be located at 1200 5th Avenue North. The property is located at the northeast corner of 5th Avenue North and Madison Street.

Reason for Request - Per Metro Ordinance BL2003-1353, restaurants that have already obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempted from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

EXISTING ZONING

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

Although a restaurant is a permitted use by right within the MUN district, the intent of this PUD is to provide the Metro Council with the ability to decide on a case-by case basis whether to exempt a property from the beer license distance requirements from certain land uses, such as residential school's and churches

PLAN DETAILS

The plan proposes an 11,478-square foot building that will front 5th Avenue North. All parking is proposed to the rear of the building and will be accessed via the alley off of Madison Street. By utilizing Urban Overlay Zone (UZO) parking exemptions and on-street parking, the project successfully meets all parking requirements of the Metro Code.

METRO PUBLIC WORKS FINDINGS - No Exceptions Taken

RECOMMENDATION

Staff recommends approval of the request to establish a commercial PUD over the property which is currently zoned MUN district. This property is located within Subarea 8 and is designated as Mixed Use in Neighborhood Urban under the Germantown Detailed Land Use Plan. The Neighborhood Urban land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially-supportive uses.

CONDITIONS

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

Approved with conditions (7-0), Consent Agenda

Resolution No. 2003 –337

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 2003P-012U-08 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

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

XII. MANDATORY REFERRALS

- 25. 2003M-093U-12**
Abandon Right-of-Way at End of Trousdale Drive
Map 160, Parcel 93
Subarea 12 (1997)
District 31 (Toler)

A request to abandon right-of-way for the unimproved northern portion of Trousdale Drive, located on the north margin of Hill Road, requested by Lyman H. Hines, property owner. (Deferred from meeting of August 28, 2003).

The Metro Planning Commission deferred the Planned Unit Development 2001P-005U-10 to October 23, 2003 at the request of the applicant. (7-0), *Consent Agenda*

- 26. 2003M-094U-08**
Colonial Pipeline Easement Expansion
Map 82, Parcel 20
Subarea 8 (2002)
District 19 (Wallace)

A request to add a 300 square foot permanent easement area to allow for the expansion of an existing gas pipeline easement, located at 1600 Second Avenue North, on the west margin of Cement Plant Road, requested by Farmer & Luna, on behalf of Colonial Pipeline Company.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request to add a 300 square foot permanent easement area to allow for the expansion of an existing gas pipeline easement, located at 1600 Second Avenue North, on the west margin of Cement Plant Road, requested by Farmer & Luna, on behalf of Colonial Pipeline Company.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by Nashville Electric Service, Metro Public Works, and Metro Water Services. Metro Parks and Metro Historical Commission have also recommended approval.

These agencies initially disapproved this item based on lack of detailed information and plans. The applicant submitted supplements to the agencies and they have now approved this application. Planning staff supports this easement expansion.

Approved (7-0), *Consent Agenda*

Resolution No. 2003 –338

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-094U-08 is APPROVED. (7-0)”

- 27. 2003M-098G-14**
Hermitage Hills Baptist Church Easement Abandonment and Relocation
Map 86, Parcel 7
Subarea 14 (1996)

District 14 (White)

A request for an easement abandonment and relocation of a 15" sewer line for Project No. 03-SL-134, Hermitage Hills Baptist Church, located at the southwest corner of Lebanon Pike and Juarez Drive, requested by the Department of Water and Sewerage Services.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, for easement abandonment and relocation of a 15" sewer line for Project No. 03-SL-134, Hermitage Hills Baptist Church, located at the southwest corner of Lebanon Pike and Juarez Drive.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Nashville Electric Service - NES has recommended conditional approval:

1. NES to retain 20' easement behind R.O.W.
2. This item is recommended for approval by Metro Water & Sewerage Services and the Emergency Communications Center. Planning staff supports the requested easement abandonment and relocation.

Approved (7-0), Consent Agenda

Resolution No. 2003 –339

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-098G-14 is **APPROVED. (7-0)**”

- 28. 2003M-099U-03**
Alley Closure, Utility Abandonment and Relocation,
Alley #1065
Map 71-10, Parcels 24 and 25
Subarea 3 (1998)
District 2 (Isabel)

A request to abandon Alley #1065, located between the properties of 1338 and 1324 Brick Church Pike, and to abandon and relocate the utilities in the alley, for the purpose of lot consolidation, requested by Charles Ray Raymer, property owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request to close Alley # 1065, located between the properties of 1338 and 1324 Brick Church Pike, and to abandon and relocate the utilities in the alley, for the purpose of lot consolidation, requested by Charles Ray Raymer, property owner.

APPLICATION REQUIREMENTS

Application properly completed and signed? - Yes

Abutting property owners' sign application? - Yes

DEPARTMENT AND AGENCY COMMENTS

The unimproved right-of-way for Alley #1065 runs from Read Road, approximately 125' south, and dead ends into a large tract of land also owned by the applicant.

The applicant is also requesting to abandon the utilities within the alley and will relocate them at his expense. The Metro Department of Water Services has recommended approval of this request.

Approved (7-0), Consent Agenda

Resolution No. 2003 –340

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-099U-03 is **APPROVED. (7-0)**”

- 29. 2003M-101U-09**
1st Street River Bank Easement Acquisition
Map 82-10, Parcel 9
Map 82-14, Parcels 57, 58, 87 and 89
Subarea 9 (1997)
District 5 (Murray)

A request for easement acquisition for Project No. 99-SG-117, 1st Street River Bank, for easements along five parcels abutting the east bank of the Cumberland River for stabilization from the Cumberland River between the Jefferson Street Bridge South and the CSX Rail Road Bridge, requested by the Department of Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, for easement acquisition for Stormwater Project No. 99-SG-117 1st Street River Bank, for easements along five parcels abutting the east bank of the Cumberland River for stabilization from the Cumberland River between the Jefferson Street Bridge South and the CSX Rail Road Bridge.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Nashville Electric Service NES initially recommended disapproval. The reason for the disapproval was based on not enough detailed information laying out the proposed use of property and how it will affect existing NES facilities. NES is now recommending approval.

Other Agencies -This item is recommended for approval by Nashville Electric Service, Metro Water & Sewerage Services, and the Emergency Communications Center. Planning staff supports the requested easement acquisition.

Approved (7-0), Consent Agenda

Resolution No. 2003 –341

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-101U-09 is **APPROVED (7-0).**”

- 30. 2003M-102U-10**
Woodvale Dive Easement Acquisition
Map 131-04, Parcel 152
Subarea 10 (1994)
District 25 (Shulman)

A request for easement acquisition for Stormwater Project No. 03-D-0417, located at 1107 Woodvale Drive, requested by the Department of Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, for easement acquisition for Stormwater Project No. 03-D-0417, located at 1107 Woodvale Drive.

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 supports the requested easement acquisition.

Approved (7-0), Consent Agenda

Resolution No. 2003 –342

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-102U-10 is **APPROVED. (7-0)**”

- 31. 2003M-103U-14**
Abandon Sewer Easement on Spence Lane
Map 94-15, Parcel 8
Subarea 14 (1996)
District 15 (Loring)

A request to abandon a sewer easement located at 254 Spence Lane for Project No. 03-SG-143, requested by the Department of Water and Sewerage Services.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, to abandon a sewer easement located at 254 Spence Lane, for Project No. 03-SG-143.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Nashville Electric Service (N.E.S.) - Recommends conditional approval:
NES to retain 20’ easement behind road R.O.W.

Other Agencies - This item is recommended for approval by the Emergency Communications Center and Metro Water & Sewerage Services. Planning staff supports the requested sewer easement abandonment.

Approved (7-0), *Consent Agenda*

Resolution No. 2003 –343

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-103U-14 is **APPROVED. (7-0)**”

- 32. 2003M-104U-13**
Easement Acquisition for BNA Airport
Map 107, Parcels 69, 70 and 81
Subarea 13 (2003)
District 13 (Burch)

A request for an easement acquisition for the BNA/Airport 36" Water Main, required from properties located at 1 International Plaza, 2 International Plaza, and Briley Parkway (unnumbered), requested by the Department of Water and Sewerage Services.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, for an easement acquisition for the BNA/Airport 36" Water Main, required from properties located at 1 International Plaza, 2 International Plaza, and Briley Parkway (unnumbered).

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Nashville Electric Service (N.E.S.) - Recommends conditional approval:
Metro Water and Sewerage to notify NES prior to installing water main by any NES poles or anchors.

Other Items - This item is recommended for approval by the Emergency Communication Center and Metro Water & Sewerage Services. Planning staff supports the requested water main acquisition.

Approved (7-0), *Consent Agenda*

Resolution No. 2003 –344

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-104U-13 is **APPROVED. (7-0)**”

- 33. 2003M-105G-04**
Laemmle-Janson Subdivision Easement Abandonment and Relocation
Map 34-06, Parcel 45
Subarea 4 (1998)
District 10 (Ryman)

A request for an easement abandonment and relocation for Project No. 03-D-552, Laemmle-Janson Subdivision, located at 660 Myatt Drive, approximately 400 feet south of Spring Branch Road, requested by the Department of Water and Sewerage Services.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request, by the Metro Department of Water & Sewerage Services, for an easement abandonment and relocation for Project No. 03-D-0552, Laemmle-Janson Subdivision, located at 660 Myatt Drive, approximately 400 feet south of Spring Branch Road.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

Nashville Electric Service (N.E.S.) - Recommends conditional approval: NES to retain 20' easement from road R.O.W.

Other Agencies - This item is recommended for approval Metro Water & Sewerage Services and the Emergency Communications Center. Planning staff supports the requested abandonment and relocation.

Approved (7-0), Consent Agenda

Resolution No. 2003 –345

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-105G-04 is **APPROVED. (7-0)**”

XIII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 6:38 p.m.

Chairman

Secretary

