



**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 9, 2004

PLANNING COMMISSION:

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

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Bob Leeman, Planner III
Preston Mitchell, Planner II
Chris Wooton, Planning Tech I

Commissioners Absent:

Jim Lawson, Chairman
Judy Cummings

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #27 – 2004M-081-08 contained a correction. The Council District listed should read Council District 19- Councilmember Wallace.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the agenda as presented. **(8-0)**

III. APPROVAL OF AUGUST 26, 2004 MINUTES

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve the minutes of August 26, 2004. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Foster spoke regarding Item #5 – 2004Z-118U-12. He conveyed to the Commissioners that his constituents are not in favor of multi-family housing for this area.

Councilmember Cole announced that he will speak to the Commission after his item is presented.

Councilmember Gotto requested that Item #14 2004S-250G-14 be pulled from the Consent Agenda.

Councilmember Murray spoke in favor of Item #19 – 2003P-019U-05 – McKennie Neighborhood Market. She stated that the Community welcomes this project to their neighborhood.

Councilmember Toler acknowledged that Item #6 and #7 (2004Z-119G-12 and 2004P-024G-12) were to be deferred and requested that the Commission pull from the Consent Agenda Items #9 and #10 (2004Z-121G-12 and 2004P-023G-12).

Councilmember Tygard announced he will speak to the Commission after his item is presented.

Councilmember White spoke in favor of Item #23 – 2004M-070G-14 and stated that he would speak to the

Commission after Item #2 – 2004Z-093U-14 was presented to the Commission.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

6. *2004Z-119G-12* Change from R20 to RS15 at 251 Holt Hills Road and Holt Hills Road unnumbered – Deferred to September 23, 2004 at the request of the applicant
7. *2004P-024G-12* Preliminary planned unit development located at 251 Holt Hills Road and Holt Hills Road unnumbered – Deferred to September 23, 2004 at the request of the applicant
8. *2004Z-120G-12* Change from AR2s to RS10 district at 5917, 5937, 5943, 5869 Pettus Road and Pettus Road unnumbered – Deferred to September 23, 2004 at the request of the applicant

Ms. Nielson moved and Mr. Mclean seconded the motion, which passed unanimously to approve the Deferred and Withdrawn Items as presented. **(8-0)**

VI. PUBLIC HEARING CONSENT AGENDA

PREVIOUSLY DEFERRED ITEMS

3. *2004Z-100G-13* Change from AR2a to RS20 district property located at 2521 Hobson Pike - Approve
4. *2004Z-108U* Apply Historic Landmark Overlay to Sunnyside at Sevier Park located at 3000 Granny White Pike – Approve

PRELIMINARY SUBDIVISION PLATS

13. *2004S-242U-03* Brookview (Centex) – Request for preliminary plat approval for 228 lots located on the north side of Ewing Drive - Approve

FINAL PLATS

15. *2004S-231U-12* Chester Maxwell Property Subdivision – Request to for final plat approval to create 3 lots at the southeast corner of Taylor Road and Flora Maxwell Road – Approve
18. *97P-027G-06* Vastland Bellevue Condominiums- Request to revise the preliminary plan and for final approval located along the west side of Old Hickory Boulevard - Approve
19. *2003P-019U-05* McKennie Neighborhood Market- Request for final approval for the PUD located abutting Gallatin Pike and Douglas Avenue – Approve
20. *2001UD-001G-12* Lenox Village, Phase D- A request for final approval for a phase of the Urban Design Overlay located on Nolensville Pike at Lords Chapel Road - Approve
21. *2003UD-002U-10* Bedford Avenue UDO, Phase 1- A request for final approval for a portion of the Bedford Avenue Urban Design Overlay district located at Bedford Avenue -Approve

MANDATORY REFERRALS

22. 2004M-069G-12 Easement Acquisition at 1101 Banbury Lane - Approve
23. 2004M-070G-14 Easement Acquisition at 3528 Central Pike - Approve
24. 2004M-071U-05 Easement Acquisition at 1016 McClurkan Avenue - Approve
25. 2004M-072G-12 Easement Acquisition at 6775 Holt Road - Approve
26. 2004M-080U-09 Aerial Encroachment located at 105 Fourth Ave - Approve
27. 2004M-081-08 Closure of Alley # 618 - Approve

Ms. Nielson moved and Mr. Mclean seconded the motion, which passed unanimously to approve the consent agenda as presented. (8-0)

VII. PUBLIC HEARING PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. **2004Z-051G-06**
Map 126, Parcel 144
Subarea 6 (2003)
District 35 (Tygard)

A request to change from CN and R80 district to CS district property located at Highway 70 S (unnumbered), along the east side of Old Charlotte Pike, (6.46 acres), requested by James and Carolyn Gunter, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 6.46 acres from commercial neighborhood (CN) and residential (R80) to commercial service (CS) district property at Highway 70 S (unnumbered), along the east side of Old Charlotte Pike.

Existing Zoning

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

R80 district - R80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

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

Policy Conflict - Yes. The proposed zoning district (CS) is not consistent with the RLM policy, which is intended for residential development within a density range of two to four dwelling units per acre. There is CS zoning adjacent to this parcel, but there was a zone change request to RM15 for this parcel in January. The Commission recommended approval of the RM15 and the bill has been deferred at Council. There is a residential development pattern emerging in this area and more intense commercial development may not be appropriate in this area.

RECENT REZONINGS - Parcel 026 was rezoned in June 2003, from AR2a to RS15. The Commission recommended approval with conditions. The conditions were based on a more detailed TIS and conservation easements for the floodplain/way at the development stage.

TRAFFIC

PUBLIC WORKS' RECOMMENDATION - 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.

Typical Uses in Existing Zoning District: CN and R80

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

Shopping Center (820)	6.46	0.066	18,572	--	19	70
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Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.46	0.066	18,572		19	70

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

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

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

Councilmember Tygard spoke in favor of this proposal. He stated that he has held a community meeting regarding this development and has received favorable feedback from his constituents. He stated he was looking for approval.

Mr. James Gunter, 7601 Indian Springs Drive, spoke in support of the proposed zone change.

Mr. Tom Conner, 8788 Hwy. 70, spoke in favor of the proposed zone change.

Mr. Ponder stated that due to the comfort level of the community he would be in favor of supporting this zone change.

Mr. Tyler requested clarification regarding the proposed land uses for this zone change.

Mr. Clifton mentioned that the specific land use being requested is contrary to the General Plan. He stated that if the parcel was rezoned to CS, there could be adverse affects by future property owners. He stated he is currently not inclined to support the zone change.

Mr. McLean spoke in favor of the proposed zone change.

Ms. Jones mentioned the approval process of the Subarea 6 plan and her reluctance to bring closure to the plan due to the instances that have been presented before the commission today. She suggested that the Commission recommend CL and/or deed restrictions to protect the property in the future, thus allowing the owner to improve the parcel.

Mr. Loring spoke in favor of the proposed zone change.

Ms. Jones asked staff to explain other zoning options (other than CS) that could accommodate the applicant's request.

Mr. Bernhardt explained that if the Commission wanted to recommend commercial uses for this parcel, they could request rezoning it to CL and ask staff to review the Subarea plan to make amendments to this area.

The Commissioners briefly discussed the various zoning options available for the recommendation.

Councilmember Tygard stated that if the CS zoning was passed, he and the applicant would be filing deed restrictions with the zone change to prohibit unwelcomed uses of the parcel now and in the future.

Mr. Loring moved and Mr. Ponder seconded the motion to approve Zone Change 2004Z-051G-06.

Yes Votes – Ponder, Loring, Jones, Small, McLean. No Votes – Nielson, Clifton, Tyler

Resolution No. 2004 –297

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-051G-06 is **APPROVED (5-3)**.

Although the proposed CS district is not consistent with the Bellevue Community Plan’s Residential Low Medium (RLM) policy, it is consistent with the CS zoning on the adjacent parcel to the east and the existing use on the site. The CS district will bring the existing gas station and convenience market into zoning compliance. Currently, it is a grandfathered use under the existing CN district.”

2. **2004Z-093U-14**
 Maps 108-01, Parcel 54
 Subarea 14 (1996)
 District 14 (White)

A request to change from RS10 to OL district property located at 2874 Elm Hill Pike, approximately 350 feet north of Shauna Drive, (0.55 acres), requested by Ross Starnes and Vanessa Saenz, owners. (Deferred from meeting of August 12, 2004)

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 0.55 acres from residential single-family (RS10) to office limited (OL) district at 2874 Elm Hill Pike.

Existing 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.

Proposed Zoning

OL district - Office Limited is intended for moderate intensity office uses.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - Yes. The proposed OL district is not consistent with the Subarea 14 Plan’s RLM policy in this area intended for residential development within a density range of two to four dwelling units per acre. The OL district would allow for office uses within an existing residential neighborhood. This could set a precedent and result in further expansion of these uses along Elm Hill Pike.

RECENT REZONINGS - Parcel 063 was rezoned in May 2004, by Council. The Planning Commission recommended approval in March 2004.

TRAFFIC - A Traffic Impact Study may be required at Development.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (0)	0.55	3.7	2	20	2	3

Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office (710)	0.55	0.056	1,341	48	6	2
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Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			+28	+4	-1

Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.55	3.7	2	20	2	3

Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.55	0.198	4,744	NA	102	200

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	+100	+197

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

Councilmember White stated that the applicant circulated a petition to all those who would be affected by this proposed zone change, and as a result, received signatures of support. He spoke in favor of this proposed zone change.

Mr. Ross Starnes spoke in favor of the proposal.

Mr. Loring spoke in favor of the proposal. He indicated that the proposed zone change is compatible with the area now, and with any future development.

Ms. Nielson cautioned approval in that it would be setting a precedent that could be detrimental to the existing residential neighborhood.

Mr. McLean also expressed caution for the residential area, but spoke of the community support for the proposed zone change.

Mr. Clifton mentioned issues related to “piece meal” zone changes and their compatibility with the current Subarea plan.

Mr. Tyler spoke against approving the proposed zone change. He mentioned there could be compatibility issues with the other parcels in the area.

Mr. Ponder spoke in support of this proposal.

Mr. Ponder moved and Mr. McLean seconded the motion to approve Zone Change No. 2004Z-093U-14.
Yes Votes – Ponder, Jones, McLean, Loring

Corridor Edge Policy - Corridor Edge is the Structure Plan classification for rural, open areas that extend along segments of a major scenic street such as Hobson Pike. The character of an area designated as CE is generally one that exhibits a sense of preserved open space along the edge of the corridor. CE areas are intended to contain primarily low-intensity residential development or civic open space activities. Examples might include large lot, single-family estate houses; accessory structures for farming activities, or linear parks. CE areas may act as a transition to more intensely developed areas further from the corridor, as well as allowing for appropriate development along major streets that are scenic in character.

Policy Conflict - No. The proposed RS20 zoning district is consistent with the Antioch Priest Lake’s Corridor Edge Policy, calling for large lots that will serve as a transition to the higher intensity development farther from the corridor. The back portion of this property contains a TVA easement where buildings will not be permitted.

RECENT REZONINGS - None.

TRAFFIC

PUBLIC WORKS’ RECOMMENDATION - No Exception Taken

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (0)	5.12	0.5	3	29	3	4

Typical Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	Units Per Acre	Total number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (0)	5.12	1.85	9	106	9	12

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			+77	+6	+8

METRO SCHOOL BOARD REPORT

Projected student generation 2 Elementary 1 Middle 1 High

Schools Over/Under Capacity - Students would attend a new elementary school, Kennedy Middle School, and Antioch High School. Since elementary school figures for the 2004-05 school year are not yet available, these school generation numbers were determined using the Maxwell Elementary school figures. The Maxwell Elementary School zone is on the other side of Hobson Pike. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster and a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$13,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements - Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board’s proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –299

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-100G-13 is **APPROVED. (8-0)**

The proposed RS20 district is consistent with the Antioch-Priest Lake Plan’s Corridor Edge policy along Hobson Pike, calling low-intensity residential or civic open space activities along this scenic road.”

4. **2004Z-108U**
 Map 118-05, Parcel 30
 Subarea 10 (1994)
 District 17 (Greer)

A request to apply the Historic Landmark Overlay District to Sunnyside at Sevier Park at 3000 Granny White Pike, (20.43 acres), requested by the Metro Historical Commission.(Deferred from meeting of August 26, 2004).

Staff Recommendation - *Approve*

APPLICANT REQUEST - To apply the Historic Landmark Overlay District to Sunnyside at Sevier Park at 3000 Granny White (20.43 acres), requested by the metro Historical Commission.

Existing Zoning

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

SUBAREA 10 POLICY

Major Public Open Space-MPOS policy is intended to accommodate existing major public recreational and open space areas for active and passive use. The primary types of land use in MPOS policy are recreational activities that are accessible to the general public on land that is under public ownership or control.

Policy Conflict - No. This Historic Landmark Overlay Districts is consistent with the Major Public Open Space policy, which was considered during the subarea planning process.

At its August 18, 2004 meeting, the Metro Historic Zoning Commission (MHZC) determined the Sunnyside at Sevier Park is “historically significant” in accordance with Section 17.36.120 of the Metro Code.

The MHZC also adopted design guidelines for this historic landmark district.

RECENT REZONINGS - None.

TRAFFIC - This rezoning is not expected to have a significant effect on traffic in these areas.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Maximum Uses in Existing Zoning District: CN and R80

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	6.46	0.25	70,349	--	142	158

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.46	0.60	168,838		174	633

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	+32	+475

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –300

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-108U (Sunnyside) is **APPROVED. (8-0)**

The proposed Historic Landmark Overlay district is consistent with the Subarea 10 Plan’s Major Public Open Space Policy. The overlay will serve to protect the historically significant Sunnyside Mansion which is located on this site.”

VIII. PUBLIC HEARING
ZONING MAP AMENDMENTS

- 5. **2004Z-118U-12**
Map 147-7, Parcels 84, 85 & 236
Subarea 12 (2004)
District 27 (Foster)

A request to change from R6 to RM20 district at J.J. Watson Avenue (unnumbered) and Winston Avenue west (unnumbered), west of Nolensville Pike, (4.57 acres), requested by Frank Ricci, applicant for Franklin Realty Mortgage Corporation, owner.

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

Mr. John Blanks spoke in opposition to the proposed zone change.

Mr. Frank Shelton, 4408 Providence Heights, spoke in opposition to the proposed zone change.

Ms. Nancy Lansdell, spoke in opposition to the zone change.

Mr. Robert Lansdell, spoke in opposition to the proposed zone change.

A resident from 4409 JJ Watson Avenue who spoke for her grandmother who resides at 4411 JJ Watson Avenue, opposes the proposed zone change.

Ms. Angela Dobbins, 4413 Winston Avenue, spoke in opposition to the proposed zone change.

Mr. Aubrey Pratt, spoke in opposition to the proposed zone change. He allowed the Commission to review pictures of the area in consideration, but did not leave the pictures for the record.

Mr. Kenneth Pratt, 4323 Nolensville Pike, spoke in opposition to the proposed zone change.

Mr. Mitchell Bailey, 4420 JJ Watson Avenue, spoke in opposition to the proposed zone change.

Ms. Evelyn Dobbins, 4409 Winston Avenue, spoke in opposition to the proposal zone change.

Ms. Regina Smith, 4418 Winston Avenue, spoke for her parents who reside at 4419 Winston Avenue, opposes the proposed zone change.

Mr. Clifton spoke of the drainage issues mentioned by the constituents and the fact that if the land was developed, the drainage issues would have to be addressed. He asked for further clarification on this topic.

Mr. Clifton requested further clarification on how the grave sites located on this property would be handled.

Mr. Kleinfelter stated that the grave site area would require a survey which would identify any grave sites and their specific locations. Any sites that were found would require a 10 foot buffer or would require relocation. This procedure would be overseen by the State Archeologist office.

Mr. Tyler questioned the topography of the land and the location of the creek that was mentioned by the constituents.

Mr. Bernhardt explained the various elements, i.e. creeks, elevations, and roadways.

Mr. Ponder requested additional information on RM15 zoning.

Mr. McLean spoke regarding the emotions expressed by the constituents regarding the history of this parcel and the location of the graveyard. He expressed opposition regarding the density of the project.

Ms. Nielson explained that the subarea plan supports the zone request, but expressed issues regarding the many constituent concerns mentioned during the public hearing.

Mr. Loring spoke against any rezoning on this parcel until more information pertaining to the graveyard is presented to the Commission. He also expressed concerns regarding the drainage issues mentioned.

Mr. Loring moved and Mr. Clifton seconded the motion, which passed unanimously, to defer Zone Change 2004Z-118U-12 indefinitely, and request a survey to identify the location of the graves located on the parcel, as well as request additional topographical information to determine buildable sites on the parcel, and to recommend that RM15 be the maximum density. (7-0)

The Metropolitan Planning Commission DEFERRED INDEFINITELY this item, with request that applicant have survey performed to locate grave sites. (7-0)

The Commission recessed at 5:50 p.m.

The Commission resumed at 6:10 p.m.

6. **2004Z-119G-12**
Map 172, Parcels 150, 154
Subarea 12 (2004)
District 31 (Toler)

A request to change from R20 to RS15 district at 251 Holt Hills Road and Holt Hills Road (unnumbered), located at the eastern terminus of Christiansted Lane and Palomar Court, (20 acres), requested by Lose & Associates, Inc., applicant for Turnberry Homes, LLC, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-119G-12 until the September 23, 2004 meeting. (8-0)

7. **2004P-024G-12**
Christiansted Valley PUD
Map 172, Parcel 150, 154
Subarea 12 (2004)
District 31 (Toler)

A request for preliminary approval for a Planned Unit Development district located at 251 Holt Hills Road and Holt Hills Road (unnumbered), at the terminus of Palomar Court and Christiansted Lane, classified R20 and proposed for RS15, (20 acres), to permit 47 single-family lots, requested by Ralph Gallant, Et ux, and Lose and Associates, Inc., applicant. (See Zone Change No. 2004Z-119G-12)

The Metropolitan Planning Commission DEFERRED Preliminary Planned Unit Development 2004P-024G-12 to the September 23, 2004. (8-0)

8. **2004Z-120G-12**
Map 182, Parcels 141, 142, 174, 008, 120, and part of 191
Subarea 12 (2004)
District 32 (Coleman)

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

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-120G-12 to the September 23, 2004 meeting. (8-0)

9. **2004Z-121G-12**
Map 180, Parcel 23
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to RS10 district at 6515 Holt Road, east of Redmond Lane, (6.6 acres), requested by Anderson-Delk & Associates, Inc., applicant for Thomas E. and Donna F. Sirmeyer, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 6.6 acres at 6515 Holt Road from agriculture / residential (AR2a) to residential (RS10) as part of a requested new Planned Unit Development. The property is located along the south side of Holt Road, approximately ½ mile west of Nolensville Pike.

Existing Zoning

AR2a district - AR2a 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 non-urban land use policies of the general plan.

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.

SOUTHEAST COMMUNITY PLAN

Residential Low-Medium (RLM) - RLM policy should be applied to existing conventional suburban residential areas developed at densities of two to four dwelling units per acre and to underdeveloped and undeveloped areas suitable for development in that density range. Generally, local and collector roads provide RLM areas with adequate capacity for internal circulation and access to the major street system.

A request for preliminary approval for a Planned Unit Development located at 6515 Holt Road, 1,500 feet east of Redmond Court, classified AR2a and proposed for RS10, (6.6 acres), to permit 17 single-family lots, requested by Anderson Delk and Associates, Inc, for Thomas and Donna Sirmeyer, owners, and Regent Development, optionee (See Zone Change No. 2004Z-121G-12).

Staff Recommendation - *Approve with conditions*, and approval of variance request to construct 14 of the 17 lots fronting Open Space / Village Green with rear alley access.

APPLICANT REQUEST - Preliminary PUD

Request to adopt a preliminary Planned Unit Development at 6515 Holt Road to allow for 17 single-family lots on 6.6 acres. The site is located along the south side of Holt Road, approximately ½ mile west of Nolensville Pike.

PLAN DETAILS

Site Design - The plan proposes 17 single-family lots, where three of the lots will have direct access of a new public street or Holt Road. The remaining 14 lots are located in the center portion of the tract and all front an Open Space / Village Green area with a rear alley that loops behind the 14 lots. Sidewalks are being provided along Holt Road and along both sides of the new public street. In lieu of a sidewalk being provided along the rear-access alleyway, a meandering sidewalk is provided throughout the center Open Space / Village Green area.

Access - Access to the subdivision development will be via a new 46-foot roadway extending south off of Holt Road. Within the subdivision, the applicant has provided two points of future access to the east and west to areas of future development.

Environmental - Floodplain associated with the Holt Creek is located along the southernmost portion of the tract. This area is located within Natural Conservation land use policy and is proposed to be completed preserved from development. The 6.6-acre tract would actually support 24 lots under the RS10 zoning district, but the applicant has only proposed 17 lots as part of this subdivision.

ZONING & LAND USE POLICY

AR2a to RS10 - This request for preliminary PUD approval is associated with a zone change request to change from AR2a to RS10 to allow for the development of the single-family lots.

Southeast Community Plan

RLM & NCO Land Use Policies - The proposed density for the subdivision is 2.6 lots per acre. The RLM policy supports this density and the proposed development pattern. Regarding the Natural Conservation area, this is proposed to remain in its natural state and not be impacted by the development.

SUBDIVISION DETAILS

Lot Frontage Sec. 2-4.2a - The Metro Subdivision Regulations require that each [new] lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided.

Staff Analysis - Based on the PUD plan that was submitted, adequate vehicular access is provided via the rear-access alley that is proposed to run behind all 14 lots that will have frontage onto a large Open Space / Village Green area. Staff recommends approval of this variance from the Subdivision Regulations.

METRO PUBLIC WORKS' RECOMMENDATION - Detailed comments were provided by Metro Public Works and adequately addressed by the applicant's representative.

CONDITIONS

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Mr. Mitchell presented and stated that staff is recommending approval of zone change 2004Z-121G-12, as well as approval with conditions on 2004P-023G-12. The approval contains approval of a variance request to construct 14 of the 17 lots fronting Open Space/Village Green with rear alley access.

Ms. Patricia Connors, 6527 Holt Road, spoke in favor of the proposal.

Ms. Teresa Veazey, 6565 Holt Road, spoke in opposition of the proposal.

Mr. Monte Carroll, 6541 Redmond Lane, spoke in opposition of the proposal.

Mr. Tom Sirmeyer 6515 Holt Road, spoke in favor of the proposal.

Ms. Donna Sirmeyer, 6515 Holt Road, spoke in favor of the proposal.

Mr. Rod Kruse, 6495 Holt Road spoke in opposition to the proposal. He submitted photographs of the area to the Commission.

Ms. Tandy Taylor, 6740 Holt Road, spoke in opposition to the proposal.

A resident of 6775 Holt Road spoke in opposition to the proposal.

Mr. Tim Potter, 1021 Redmond Lane, spoke in opposition to the proposal.

Ms. Linda Plummer, 6485 Holt Road, spoke in opposition to the proposal.

Mr. Don Turner, 6761 Holt Road, spoke in opposition to the proposal.

Mr. Dan Covington, 6700 Holt Road, spoke in favor of the development.

Mr. Paul Campanis, 6503 Holt Road, spoke in favor of the development.

Mr. Mike Anderson, Anderson Delk & Associates, spoke in favor of the development.

Mr. David McGowan, 1524 Fernwood Ct., spoke in favor of the development.

Councilmember Toler stated that there will be additional neighborhood meetings regarding this proposal to possibly find resolutions to some of the issues mentioned by his constituents.

Mr. Ponder spoke in favor of the design of the proposal. He did express concerns on the floodplain issues and the land elevation included in the project.

Mr. Clifton requested clarification on the proposed retention pond included in the project. He also requested additional clarification on the proposed rezoning and the nature of the requirements placed on this zone change request.

Mr. McLean acknowledged that the subarea plan for this area was just recently adopted. He stated that public hearings for this plan were held in order to allow community input.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve zone change 2004Z-121G-12, as well as approval with conditions on 2004P-023G-12. The PUD contains approval of a variance request to construct 14 of the 17 lots fronting Open Space/Village Green with rear alley access.

(7-0)

Resolution No. 2004 –301

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-121G-12 is **APPROVED. (7-0)**”

The proposed RS10 district with an associated Planned Unit Development district is consistent with the Southeast Plan’s Residential Low Medium (RLM) policy calling for two to four dwelling units per acre.”

Resolution No. 2004 –302

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-023G-12 is **APPROVED WITH CONDITIONS, and approval of variance to construct 14 of the 17 lots fronting open space/village green with rear alley access. (7-0)**

Conditions of Approval:

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

- 11. 2004Z-125U-05**
Map 73-05, Parcel portion of 149
Subarea 5 (1994)
District 7 (Cole)

A request to change from RS10 to RM9 district a portion of property at Cooper Lane (unnumbered), south of Demarius Drive, (5.07 acres), requested by Ragan-Smith & Associates, applicant for Senliff, L.L.C, owner.

Staff Recommendation *Approve*

APPLICANT REQUEST - Rezone 5.07 acres from residential (RS10) to residential (RM9) at Cooper Lane (unnumbered) as part of a request to amend the existing Planned Unit Development. The property is located in the East Nashville area along both sides of Cooper Lane, approximately ½ mile south of McGavock Pike.

Existing 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.

Proposed Zoning

RM9 district - RM9 is intended for single-family, duplex and multi-family dwellings at a density of 4 dwelling units per acre.

SOUTHEAST COMMUNITY PLAN

Residential Low-Medium (RLM) - RLM policy should be applied to existing conventional suburban residential areas developed at densities of two to four dwelling units per acre and to underdeveloped and undeveloped areas suitable for development in that density range. Generally, local and collector roads provide RLM areas with adequate capacity for internal circulation and access to the major street system.

Policy Conflict - Although the RM9 district is not consistent with the RLM policy calling for two to four dwelling units per acre, the associated PUD plan will limit the overall density of the development to less than four dwelling units per acre, which is consistent with the plan. The associated PUD plan provides a mix of housing types to create a more traditional neighborhood. The provision of the 38 internal townhomes, in addition to the 115 single-family lots, in the PUD provides a net density of only 2.6 lots / units per acre – which is consistent with the RLM density range.

RECENT REZONINGS - No.

TRAFFIC

PUBLIC WORKS’ RECOMMENDATION - All comments were appropriately addressed by the applicant.

single-family lots and 38 townhomes on 59.10 acres. The property is located in the East Nashville area along both sides of Cooper Lane, approximately ½ mile south of McGavock Pike.

PLAN DETAILS

Site Design The new PUD plan proposes 115 single-family lots located along an interconnected system of new public streets and private alleyways. Internal to the site 38 townhomes will be provided along a divided boulevard. All townhome units front this divided roadway and the Open Space / Village Green area in-between the streets. The wider roadways (52 feet in width) throughout the development allow for a larger (6.5-foot) planting strip and on-street parking. The applicant offered these latter provisions without requirement by Metro Government.

Access Access to the development will be via two new street connections. The main entrance to the site is off of Cooper Lane, and the second will be located at the intersection of Riverwood Circle and Demarius Drive. An original connection from the 1997 plan to Sandy Drive has been removed and agreed-upon by staff and the district Councilmember since the neighboring community objected to the connection. However, a 5-foot paved pedestrian trail will be constructed from the development to Sandy Drive within that same right-of-way area. About 37% of the single-family lots will have front-loaded access, while the remaining lots and all townhomes will be accessed via a rear-access private alley system. Staff recommends that all lots with front-loaded access should be designed with the garage behind the front façade of the house.

Environmental There are no significant environmental constraints associated with this new PUD plan. The second piece to this PUD overlay, which is located on the south, or west, side of Cooper Lane is primarily all floodplain and will not be developed. The applicant is currently engaging in negotiations with Metro Parks and Greenways to dedicate the 24-acre portion to Metro for a Greenway extension from Shelby Bottoms and parkland.

ZONING & LAND USE POLICY

RS10 to RM9 (5.07 internal acres) - This request for an amendment to the preliminary PUD plan is associated with a zone change request to change approximately 5.07 acres from RS10 to RM9 to accommodate the 38 townhome units.

Subarea 5 Plan RLM Land Use Policy - The provision of the 38 internal townhomes in addition to the 115 single-family lots provides a net density of only 2.6 lots / units per acre, which is consistent with the RLM density range.

METRO PUBLIC WORKS' RECOMMENDATION - "We have reviewed the Traffic Impact Needs Assessment letter received 8/9/04 and have prepared the following conditions for approval of this project."

1. The developer shall construct a northbound left turn lane with 75 ft of storage and transition per AASHTO standards on Cooper Lane at McGavock Pike
2. The developer shall construct a southbound left turn lane with 75 ft of storage and transition per AASHTO standards on Cooper Lane at the project access.
3. Provide adequate sight distance at the project access and Cooper Lane intersections and project access at Demarius Drive.

Dedicate required ROW along Cooper Lane frontage to provide appropriate street cross section.

CONDITIONS

1. Public Works' conditions, as listed above, shall be incorporated into the PUD plan prior to final PUD approval.
2. All rights-of-way (stub streets) not utilized by this development and proposed for abandonment shall be properly abandoned by Metro Council prior to the first final PUD approval.
3. No development shall occur on the 24.36-acre portion of property south, or west, of Cooper Lane without re-approval as an amendment to the PUD by Metro Council.
4. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.

5. This preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. Houses on all lots with front-loaded access must be designed with the garage behind the front façade of the house.
7. Mr. Mitchell presented and stated that staff is recommending approval of zone change 2004Z-125U-05 as well as approval with conditions on 97P-036U-05.

Ms. Carolyn Braeda, 2808 Shadow Lane, spoke in opposition to the proposal.

Ms. Linda Tyree, 3802 Moss Road, spoke in opposition to the proposal.

Mrs. George Spencer, 2203 Cooper Lane, spoke in opposition to the proposal.

Mr. Spencer, 2203 Cooper Lane, spoke in opposition to the proposal.

Mr. Steven Rouse, 3744 Moss Road spoke in opposition to the proposal.

Mr. William Chest, 3815 Moss Road, spoke in opposition to the proposal.

Ms. Jackie Rogers, 3815 Moss Road, spoke in opposition to the proposal.

Mr. Bill Anderton, spoke in opposition to the proposal.

A member of Redbird Properties, Inc. spoke in favor of the development.

Mr. Alan Thompson, Ragan Smith & Associates, spoke in favor of the development.

Mr. Craig Langford, 2212 Ranvenwood Drive, spoke in opposition to the proposal.

A member of Ragan Smith & Associates spoke in favor of the development.

Councilmember Cole spoke of the concerns that were presented by his constituents. He stated that he will continue to work with the developers and the community to find resolution to some of the concerns mentioned, and to obtain a quality development for the area.

Mr. Small requested clarification on the proposed rezoning and development, in comparison to, what has already been approved and could be developed, without having to go to Council.

Mr. Bernhardt explained that presently, the property owner has approval and is entitled to build 600 residential units on this property – including 219 assisted living units, and 381 apartments. He continued by stating that the applicant has agreed to reduce this number by 75 percent. They are currently requesting to build 153 units and to reserve the area south of Cooper Lane, by building on the north side of Cooper Lane only.

Ms. Nielson acknowledged the concerns expressed by the Community members and stated that change is difficult, but feels that the reduction in the density of the project is good.

Mr. McLean requested further clarification on the number of acres included in the proposal as well as the density of the project.

Mr. Clifton commented that the proposal is a traditional neighborhood request and the mixed-use portion of the development can be positive for the community.

Mr. Tyler requested clarification on the traffic impact studies that were conducted for this development. He mentioned that the design of the proposal is good, but expressed concerns regarding the traffic flow in and out of the development. He suggested a more recent traffic study be performed.

Ms. Nielson suggested that traffic calming be added to the entranceways to this development.

Mr. Ponder requested further clarification on the traffic impact study that was submitted and whether it was a final study.

Mr. Bernhardt explained that the traffic impact study submitted was an assessment of the original proposal of 600 units in 1997 and the current proposal of 153 units. He stated that after this assessment was completed, Public Works found that their recommendations were still valid for today's proposal.

Mr. Charles Hasty, Public Works, confirmed that the Public Works Department is comfortable with the traffic impact study that was submitted due to the reduction of density that was part of the original project. He added that they were asked to look at the possibility of implementing traffic calming before the final plat was approved.

Mr. Loring stated that town homes in this particular area are not conducive with the existing neighborhood and he is not in favor of approving the proposal.

Mr. Small spoke in favor of the development.

Mr. McLean moved and Mr. Clifton seconded the motion to approve zone change 2004Z-125U-05, as well as approve with conditions 97P-036U-05 and to recommend traffic calming on Cooper Lane where it intersects with the new development. **(6-1) No Vote – Loring**

Resolution No. 2004 –303

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-125U-05 is APPROVED. (6-1)

Although the proposed RM9 district is not entirely consistent with the Subarea 5 Plan’s Residential Low Medium (RLM) policy, calling for two to four dwelling units per acre, the RM9, in association with the proposed Planned Unit Development district is consistent with the policy for the area. The overall density of the PUD, which includes 115 single-family lots and 38 townhomes has an overall density of 2.58 dwelling unit per acre.”

Resolution No. 2004 –304

“BE IT RESOLVED by the Metropolitan Planning Commission that 97P-036U-05 is **APPROVED WITH CONDITIONS, including additional study of Cooper Lane to explore possible traffic calming measures.** (6-1)”

IX. PRELIMINARY SUBDIVISION PLATS

13. **2004S-242U-03**
Brookview (Centex)
Map 59, Parcel 166
Subarea 3 (1998)
District 3 (Hughes)

A request for preliminary plat approval for 228 lots, located on the north side of Ewing Drive, opposite Vista Lane (76.8 acres), classified RS7.5, requested by Centex Homes, and Gresham-Smith & Partners,

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Preliminary Plat

A request for preliminary plat approval to create 228 single-family lots on 76.8 acres (2.96 dwelling units per acre) abutting the north side of Ewing Drive opposite Vista Lane.

ZONING

RS7.5 District - 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.

SUBDIVISION DETAILS - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 size lots (minimum 3,750 sq. ft. lots). In this case the applicant is reducing one lot size to RS5 (5,000 square feet).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 17.3 acres of open space (22%), which complies with this provision.

Floodplain/Floodway - The proposed subdivision contains floodway and floodplain of Ewing Creek. On March 18, 2003, the Metro Council adopted changes to the Zoning Code requiring 50% of the natural floodplain to remain undisturbed with any new development (Council Bill BL2002-1021). This plat leaves 23.57 acres out of 39.29 acres in a natural state, or 60% of the floodplain

Greenway Dedication - The applicant has shown the required dedicated greenway and conservation public access easement of the floodway plus 75 feet.

TRAFFIC

PUBLIC WORKS RECOMMENDATION

1. The existing southbound left turn lane on Knight Road at Whites Creek Pike has 170 feet of storage. The developer shall construct an additional 115 feet of storage for a total southbound left turn lane storage length of 285 feet with transition per AASHTO standards.
2. Dedicate 5 feet of right-of-way along Knight Road frontage. Dedicate a minimum 30 feet of right-of-way from road centerline along Ewing Drive frontage plus the right-of-way necessary to construct a bus pull-off bay.
3. Construct 1/2 of Collector cross section along Ewing Drive frontage.
4. Access Road A shall be 36 feet wide with 2 exit lanes and 1 entering lane. Align with the 36 feet wide Vista Lane opposite Access Road A. Re-stripe Vista lane to align lanes with Access Road A.
5. Provide adequate sight distance at Access Road A and Ewing Drive. Remove vegetation as necessary to provide AASHTO standard sight distance. Submit sight distance documentation to Public Works for review and approval.
6. Per the TIS, in order to incorporate the existing transit stop on Ewing Dr at the project access road, developer shall construct a bus pull-off bay with tapers prior to the construction of Access Road A.

CONDITIONS

1. All lots located within the floodplain need to be designated as critical, requiring a critical lot review prior to the issuance of a building permit.
2. Comply with all Public Works' conditions of approval.

Approved with conditions **(8-0)**, *Consent Agenda*

Resolution No. 2004 –305

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-242U-03 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

Staff Recommendation - *Approve with conditions*, including a variance from sidewalk requirement along South Hamilton Road

APPLICANT REQUEST - Final Plat with Variance Request

Request for final plat approval for a 2-lot subdivision, and a request for variance to construct a sidewalk along South Hamilton Road. The property is located along the north side of South Hamilton Road, approximately 275 feet east of Hydes Ferry Road.

ZONING

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

VARIANCE REQUESTS

Section 2-6.1 Sidewalk Construction: The applicant is requesting a variance for sidewalk construction along the north side of South Hamilton Road fronting the newly-created lot. The stated hardship is that “there are no sidewalks in the area.”

A section of sidewalk approximately 100 feet in length would require significant reconstruction of the roadway including construction of a curb and gutter system for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

PUBLIC WORKS’ RECOMMENDATION - No exception taken

STAFF RECOMMENDATION - Staff recommends approval of the final plat and the sidewalk variance request.

Approved with conditions **(8-0)**, *Consent Agenda*

Resolution No. 2004 –306

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-180U-03 is **APPROVED WITH CONDITIONS WITH A SIDEWALK VARIANCE ON SOUTH HAMILTON ROAD. (8-0)**”

- 16. **2004S-231U-12**
Chester Maxwell Property Subdivision
Map 147-08, Parcel 19
Subarea 12 (2004)
District 30 (Kerstetter)

A request for final plat approval to create 3 lots at the southeast corner of Taylor Road and Flora Maxwell Road (.89 acres) classified R6 district, requested by Shane Tweeters, developer and J. Franklin and Associates, surveyor.

Staff Recommendation - *Approve with conditions*, including a sidewalk variance

APPLICANT REQUEST - Final Plat

Request to create 3 lots from an existing 0.89 acre tract, located on the east margin of Taylor Road and the north margin of Flora Maxwell Road.

ZONING

R6 District - **R6** district, requiring a minimum lot size of 6,000 square feet for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS - The lot comparability provisions in the Subdivision Regulations require lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots. Lot comparability may not be required if a smaller lot size is consistent with the General Plan.

Two lot comparability tests were conducted since the proposed lots front on two different streets:

- The Flora Maxwell Road lot comparability analysis of the relevant lots yielded a minimum allowable lot size of 6,882 square feet and a minimum allowable frontage of 58.3 feet. Both proposed lots fronting Flora Maxwell pass comparability.
- The Taylor Road lot comparability analysis of the relevant lots yielded a minimum allowable lot size of 8,167.5 square feet and a minimum allowable frontage of 45.9 feet. The proposed lot on Taylor Road passes lot comparability.

SIDEWALK VARIANCE REQUEST - A sidewalk variance has been requested along the frontage of Taylor Road (approximately 64 feet) and the frontage of Flora Maxwell Road (approximately 130 feet). The existing pavement is approximately 20 feet wide. Drainage is handled through roadside ditches. There are also underground water and sewer lines located on the east side of Taylor Road. The addition of a sidewalk, curb and gutter would also require approximately 3 additional feet of roadway.

Staff recommends approval of the sidewalk variance. This section of sidewalk, approximately 194 feet in length and non-contiguous, will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in two mid-block locations, which is inconsistent with good planning and design.

PUBLIC WORKS RECOMMENDATION - No exception taken.

CONDITIONS

1. Final approval of the plat must be received from Metro Water Services prior and any comments addressed prior to the recording of the final plat.
2. The following parcel numbers need to be added to the final plat prior to recording: Lot 1 (Parcel 249), Lot 2 (Parcel 250) and Lot 3 (Parcel 251).

Approved w/conditions including a sidewalk variance **(8-0)**, *Consent Agenda*

Resolution No. 2004 –307

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-231U-12 is **APPROVED WITH CONDITIONS, WITH A SIDEWALK VARIANCE. (8-0)**

Conditions of Approval:

1. Final approval of the plat must be received from Metro Water Services prior and any comments addressed prior to the recording of the final plat.
2. The following parcel numbers need to be added to the final plat prior to recording: Lot 1 (Parcel 249), Lot 2 (Parcel 250) and Lot 3 (Parcel 251).”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

17. **84-87-P-13**
Crossings at Hickory Hollow, Crossings Circle Extension
Map 174, Parcel 26
Map 163, Parcel 384
Subarea 13 (2003)
District 32 (Coleman)

A request for final approval to extend Crossings Circle (1.05 acres), classified within the R10 Commercial Planned Unit Development District, requested by Crews Investment Properties of TN, Inc., owner/developer, Littlejohn Engineering Associates, Inc., engineer.

Staff Recommendation - *Approve with conditions* pending an appeal from the Stormwater Management Committee for stream crossing and buffer disturbance.

APPLICANT REQUEST - Final PUD approval

Request for Final PUD approval for grading and road construction to extend Crossings Circle by approximately 800 feet.

PLAN DETAILS - The proposed road construction is consistent with the approved Preliminary PUD plan.

PUBLIC WORKS' RECOMMENDATION - No exceptions taken

CONDITIONS

- 1. Comply with any conditions of the Stormwater Appeal Committee.

Approved with conditions **(8-0)**, *Consent Agenda*

Resolution No. 2004 –308

“BE IT RESOLVED by the Metropolitan Planning Commission that 84-87-P-13 is **APPROVED WITH CONDITION. (8-0)**

Conditions of Approval:

- 1. Comply with any conditions of the Stormwater Appeal Committee.”

- 18. 97P-027G-06**
Vastland Bellevue Condominiums
Map 128, Parcel 72
Subarea 6 (2003)
District 22 (Crafton)

A request to revise the preliminary plan and for final approval for the Residential Planned Unit Development district located along the west side of Old Hickory Boulevard, north of Amberwood Circle, classified R15, (28.94 acres), to develop 115 townhomes and 11 single-family lots, requested by Barge Waggoner Sumner and Cannon, Inc., for The Senior Group, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request to revise the Council-approved Planned Unit Development and for final PUD approval to allow for the development of 115 townhomes and 11 single-family lots on 28.94 acres. The property is located in the Bellevue area along the west side of Old Hickory Boulevard, approximately 2/3 of a mile north of Highway 70S.

PLAN DETAILS

History: This residential PUD was originally adopted by the Metro Council in 1997 and allowed for the development of 115 multi-family / townhouse units and 11 single-family lots on the 29-acre tract. The property was never developed and has since remained vacant. This applicant is seeking to develop the same number of units and lots, but within a different design and layout.

Access - Access to and from the townhouse site will be via one point of ingress / egress off of Old Hickory Boulevard. The 11 single-family lots will not have direct access to the townhomes due to severe topographic / slope constraints and as well as the desire to keep the uses separated. The single-family lots will be accessed via a northward extension of Summit Oaks Court. This extension will stub out to the west to allow for future lot development on adjacent parcels.

Environmental Concern - This site is heavily encumbered by hillside / slope that limits the amount of development on the site. The steeper hillsides have been preserved by placing the majority of all townhome units within the floor of the valley immediately adjacent to Old Hickory Boulevard. The remaining 11 lots will be placed on a north-south ridgeline that extends Summit Oaks Court.

ZONING & LAND USE POLICY

R15 - Although this site is currently zoned R15, which calls for single-family and duplex lots on 15,000-square foot lots, the PUD provisions prior to 1998 allowed for a PUD to be adopted on property regardless of the base zone. Today, the base zone is required to be changed / updated to be made consistent with the proposed development only when the PUD plan must be heard as an amendment by the Metro Council.

RLM Land Use Policy - Although the RLM policy calls for 2 to 4 dwelling units per acre, the existence of the 1980 Council-approved PUD plan establishes and allows for the proposed density of 4.3 units per acre.

METRO PUBLIC WORKS’ COMMENTS - Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant.

CONDITIONS

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This revision to the preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. 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.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions **(8-0)**, *Consent Agenda*

Resolution No. 2004 –309

“BE IT RESOLVED by the Metropolitan Planning Commission that 97P-027G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This revision to the preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. 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.
6. 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.

2003P-019U-05

McKennie Neighborhood Market
 Map 83-01, Parcel 33, 34, 35, 39, 40, 41, 42, 72-13, 338, 339, 340
 Subarea 5 (1994)
 District 5 (Murray)

A request for final approval for the Planned Unit Development located abutting the west margin of Gallatin Pike south of Douglas Avenue, classified CS, (4.67 acres), to permit the development of a 39,910 square foot retail grocery store and 2,932 square foot retail/office/restaurant uses, requested by Gresham Smith and Partners, for Wal-Mart Store Inc. owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Request for final Planned Unit Development approval to permit the development of 42,842 square feet of retail/office/restaurant development, where 39,910 square feet is planned for a new grocery and the remaining 2,932 square feet is planned for retail, office, or restaurant. Property is located along the west margin of Gallatin Avenue, 190 feet south of Douglas Avenue.

HISTORY & PROPOSED PLAN

Preliminary PUD Plan - The Metro Council approved the preliminary PUD plan on January 21, 2004. Because this PUD is located within the Urban Zoning Overlay (UZO) district, the Metro Zoning Code establishes contextual street setbacks for properties located within the UZO. At the November 13, 2003 Planning Commission meeting, staff recommended disapproval of the variance requests to the contextual street setbacks for the proposed grocery. The MPC acted to approve the PUD with conditions but recommended disapproval of the variance requests to the Board of Zoning Appeals (BZA). The enabling PUD ordinance stated the following with regards to the contextual street setbacks within the UZO: "Section 4. Be it further enacted, that prior to final PUD approval by the Planning Commission, either the Board of Zoning Appeals shall approve the variance for building setbacks within the UZO, or revised plans must be submitted to the Planning Commission that comply with the UZO setback requirements. If the Board of Zoning Appeals grants a variance to the UZO setback requirements, the applicant must work with Planning Department staff to establish design standards to create a "hard edge" along the property frontage on Gallatin Road."

1st Final PUD Plan: The preliminary PUD plan was revised in lieu of requesting a hearing before the BZA for the variances to the UZO street setbacks. The PUD plan as was proposed in February, 2004, brought the building up to Gallatin Pike and located all the parking to the north (side) and rear of the building. In the end, this plan was not satisfactory to Wal-Mart Corporation, so the item was deferred indefinitely.

2nd Final PUD Plan (current) - The current final PUD plan returns the store to the rear of the lot, facing Gallatin Pike, and brings all parking between the storefront and the roadway. Staff is recommending approval of the requested plan pursuant to the following analysis

The first step is to determine whether or not Section 17.12.035 B paragraphs one or two apply. They do not.

The second step is to determine which of the contextual setback criteria of 17.12.035 B3 apply. In order to do this, old aerial photos (1959) and Sanborn maps predating 1950 must be consulted, because the pattern of development

immediately adjacent to the site and across Gallatin Pike is so fragmented. There is no apparent pattern and a variety of building types is present. Only pre 1950 storefront commercial buildings are eligible for use as contextual references. On the west side of Gallatin Pike there are three lots between the north boundary of the proposed site and Douglas Avenue. Additionally, a former firestation building is located on the north edge of the proposed site. A telephone exchange building occupies two lots at the corner of Douglas Avenue and the building type is commercial office, although it is occupied primarily by telephone switching equipment. The building next to it is a wood frame residential structure that has been modified for commercial use. At the south end of the site within the proposed site boundary is a pre 1950 storefront building. It is set abutting the proposed south boundary there is a storefront building set back from the frontage that meets the minimum setbacks as measured from the back of the sidewalk. The corner lot has a concrete block commercial structure set way back from the frontage. It is used as an office for a used car lot. Across Gallatin Pike from the proposed site there is a church and a former restaurant along the frontage, both set well back from the frontage. The former restaurant building was built after 1950. Therefore, within the contextual reference area set forth under contextual criteria paragraph "a" there are no pre 1950's storefront buildings built up to the street and the one that is closest to the street appears to meet the minimum setback of the zoning district. Therefore, the setback requirements of Table 17.12.030B apply to this proposal.

Contiguous to and immediately south of this location the pattern of storefront commercial development is more uniform and clearly suburban in character on the east side of Gallatin Pike with parking in the front and buildings set way back from the street. The lots on the west side of the street are much shallower and the buildings are closer to the street, but still are back far enough to accommodate off-street head-in parking.

TRAFFIC

PUBLIC WORKS' RECOMMENDATION - Approval of the Final PUD plan is conditioned on review and approval of the pavement marking and signal plans.

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 **(8-0)**, *Consent Agenda*

Resolution No. 2004 –310

"BE IT RESOLVED by the Metropolitan Planning Commission that 2003P-019U-05 is **APPROVED WITH CONDITIONS. (8-0)**

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.

“BE IT RESOLVED by the Metropolitan Planning Commission that 2001UD-001G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Planning Department for review and approval.
2. Prior to the issuance of any building permits, applicant shall resubmit site plan providing a pedestrian path between the 26-unit row of townhouses.”

- 21. 2003UD-002U-10**
Bedford Avenue UDO, Phase 1
Map 117-14, Parcels 11-31, 117-10, 95-97, 104-113
Subarea 10 (1994)
District 25 (Shulman)

A request for final approval for a portion of the Bedford Avenue Urban Design Overlay district, located at Bedford Avenue, north of Abbott Martin Road, classified OR20 and MUL, to permit approval of infrastructure along Bedford Avenue, including the new street cross-section, and proposed detention pond, requested by Barge Cauthen and Associates, Inc., applicant, for Rochford Development.

Staff Recommendation - Approve Infrastructure Improvements; which are consistent with the UDO design concept plan.

APPLICANT REQUEST - Final UDO, Phase 1, Infrastructure

Approval of first final UDO plan for infrastructure improvements to Bedford Avenue to create on-street parallel parking spaces, sidewalks, turn lanes, and landscaping improvements in open spaces.

TRAFFIC

PUBLIC WORKS’ RECOMMENDATION - Detailed comments were provided and adequately addressed by the applicant. MPW also required an update to the existing Bedford Avenue Traffic Impact Study (TIS). These changes are being made and will be incorporated into the final UDO plan prior to the issuance of any construction permits.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –312

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003UD-002U-10 is **APPROVED. (8-0)**”

XII. MANDATORY REFERRALS

- 22. 2004M-069G-12**
Map 172-09-A, Parcel 225
Subarea 12 (2004)
District 31 (Toler)

A request for easement acquisition at 1101 Banbury Lane, for a permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 04-DL-0706.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for easement acquisition at 1101 Banbury Lane, for a permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 04-DL-0706.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Stormwater, Emergency Communications Center, and Nashville Electric Service (NES). NES also provided a comment that NES has underground facilities on this property.

Planning staff also supports the request.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –313

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-069G-12 is **APPROVED. (8-0)**”

23. **2004M-070G-14**
Map 86, Parcel 352
Subarea 14 (1996)
District 14 (White)

A request for easement acquisition at 3528 Central Pike, for a permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 04-DL-0708.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for easement acquisition at 3528 Central Pike, for a permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 04-DL-0708.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Stormwater, Emergency Communications Center, and Nashville Electric Service (NES). NES also provided a comment that NES is to retail any/all easements.

Planning staff also supports the request.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –314

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-070G-14 is **APPROVED. (8-0)**”

24. **2004M-071U-05**
Map 72-13, Parcel 196
Subarea 5 (1994)
District 5 (Murray)

A request for an easement acquisition at 1016 McClurkan Avenue, for a permanent detention pond easement,

requested by Metro Water & Sewerage Services, Project No. 04-DL-0707.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement acquisition at 1016 McClurkan Avenue, for a permanent detention pond easement, requested by Metro Water & Sewerage Services, Project No. 04-DL-0707.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Stormwater, Emergency Communications Center, and Nashville Electric Service (NES). NES also provided a comment that NES is to retail any/all easements.

Planning staff also supports the request.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –315

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-071U-05 is **APPROVED. (8-0)**”

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25. **2004M-072G-12**
Map 180, Parcel 46
Subarea 12 (2004)
District 31 (Toler)

A request for an easement acquisition at 6775 Holt Road, for a 10' permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 03-D-0514.

Staff Recommendation - *Approve*

APPLICANT REQUEST

A request for an easement acquisition at 6775 Holt Road, for a 10' permanent drainage easement, requested by Metro Water and Sewerage Services, Project No. 03-D-0514.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES). NES also provided a comment that NES is to retail any/all easements.

Planning staff also supports the request.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –316

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-072G-12 is **APPROVED. (8-0)**”

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26. **2004M-080U-09**
Map 093-06-4, Parcel 008

Subarea 9 (1997)
District 6 (Jameson)

A request for an aerial encroachment to permit a wall-mounted 10-square foot sign 17 feet 9 inches above the ground located at 105 Fourth Ave., South, by Cummings Sign Co., applicant, for JRS Investments, Inc., owner

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an aerial encroachment to permit a wall-mounted 10-square foot sign 17 feet 9 inches above the ground located at 105 Fourth Ave. South, by Cummings Sign Co., applicant, for JRS Investments, Inc., owner.

The requested sign will extend approximately 2-feet into the right of way from the face of the building.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception. The plans for the sign were reviewed by staff at the Metropolitan Development and Housing Authority (MDHA) because the request is located in the Capitol Mall Redevelopment District. MDHA staff approved the proposed sign.

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

Planning staff also recommends approval of this request.

Approved **(8-0)**, *Consent Agenda*

Resolution No. 2004 –317

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-080U-09 is **APPROVED. (8-0)**”

27. **2004M-081-08**
Map 092-08, Parcel 136-139, 146 & 147
Subarea 8 (2002)
District 9 (Forkum)

A request to close an unbuilt 63-foot portion of Alley #618, located south of Map 092-08, Parcels 138 and 139, requested by Dr. Jeffrey K. and Jola Moore, property owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

A request to close an unbuilt 63-foot portion of Alley #618, located south of Map 092-08, Parcels 138 and 139, near the intersection of Jo Johnston Avenue and Fisk Street, requested by Dr. Jeffrey K. and Jola Moore, property owners.

The closure of this alley is being requested in order to permit the relocation of a medical office building at the corner of Fisk Street and Jo Johnston Avenue. Closure of the alley will not result in the creation of any landlocked parcels or limit access. All existing adjacent properties will continue to have public access.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, and Stormwater. NES has recommended approval with retention of their easements within the alley.

Planning staff recommends approval with the retention of all existing utility easements.

Approved with conditions (8-0), *Consent Agenda*

Resolution No. 2004 –318

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-081-08 is **APPROVED WITH CONDITIONS. (8-0)**”

XIII. OTHER BUSINESS

28. Executive Director Reports

29. Legislative Update

XIV. ADJOURNMENT

The meeting ended at 7:50 pm.



Chairman

Secretary