

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: March 28, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman
Councilmember John Summers

Absent:

Mayor Bill Purcell

Staff Present:

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

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced an addition under OTHER BUSINESS, Discussion of Fees in Lieu of Sidewalks.

Vice Chairman Small moved and Mr. McLean seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 14, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Vic Lineweaver stated today is the final day with the closing presentation at 5:30 p.m., for the Bellevue Charette. He thanked the Commission for putting the Charette together.

Councilmember Melvin Black spoke in favor of proposal Zone Change 2002Z-028U-03.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

None

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously carried with Councilmember Summers abstaining, to close the public hearing and approve the following items on the consent agenda:

PUBLIC HEARING

ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

1. 2002Z-007T

A request to amend Section 17.04.060 of the Zoning Ordinance (Definitions of General Terms) to add definitions for "Front Façade" and "Leading Edge", requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.04.060 (Definitions of General Terms) of the Zoning Ordinance. This amendment provides definitions of the terms "front façade" and "leading edge" so that there can be a common and consistent understanding of those terms when they are used in the Zoning Ordinance.

The text amendment is as follows:

- amend Section 17.04.060 (Definitions of General Terms) by **inserting** text as follows in alphabetical order:

“Front façade” means the front vertical face of a building that is substantially in one plane, has associated with it a primary entrance, and is composed from the following architectural components: exterior walls; columns or other vertical structural elements; windows; doors; roof edges; permanently roofed recesses; and arcades, balconies, or porches with permanent roofs supported by vertical structural supports.

“Leading edge” means that edge of a building’s front façade which projects farthest forward on the front portion of a lot. The leading edge may be measured at the forward-most edge of an arcade or of a porch with permanent roof supported by vertical structural supports, but may not be measured at the forward-most edge of a projecting awning or stoop.

Resolution No. 2002-113

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-007T is **APPROVED (9-0).**"

This amendment provides definitions of the terms “front façade” and “leading edge” so that there can be a common and consistent understanding of those terms when they are used in the Zoning Ordinance.

2. 2002Z-008T

A request to amend Table 17.12.020.A of the Zoning Ordinance (Single-Family and Two-Family Dwellings) by modifying the required side setback within the RM9, RM15, and RM20 districts located in the Urban Zoning Overlay district and the bulk requirements for the RM20, OR20, RM60, ON, I, and all mixed-use districts, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Table 17.12.020.A (Single-Family and Two-Family Dwellings) of the Zoning Ordinance. The purpose of this amendment is to establish reasonable bulk requirements for certain zoning districts. Currently the side setback for the RM9, RM15, RM20, and OR20 districts within the urban zoning overlay district is five feet. This amendment reduces the side setback for these districts within the UZO to three feet, which is the same side setback as that used for the similarly urban RS7.5, R6, and RS5 districts.

Currently there are no bulk requirements for single-family and two-family-dwellings for several zoning districts that permit those uses. This proposed amendment establishes bulk requirements for the RM60, ON, I, and all mixed-use districts. These bulk requirements are the same as for the RS3.75, OR40, and ORI districts, which are also intended for areas of moderate to high intensity. Similarly, the amendment also changes the bulk requirements for the RM20 and OR20 districts to be the same as for those districts.

The text amendment is as follows:

...amend Table 17.12.020A (Single-Family and Two-Family Dwellings) by **replacing** the table with the following table (*note: changes to the table are shown in strike-through and italics*).

Table 17.12.020A
SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

Zoning District	Minimum lot area (in sq ft)	Maximum building coverage	Minimum rear setback (in ft)	Minimum side setback (in ft)	Maximum height
AG	5 acres	0.20	20	20	3 stories
AR2a	2 acres	0.20	20	20	3 stories
RS80, R80	80,000	0.20	20	20	3 stories
RS40, R40	40,000	0.25	20	15	3 stories
RS30, R30	30,000	0.30	20	15	3 stories
RS20, R20	20,000	0.35	20	10	3 stories
RS15, R15	15,000	0.35	20	10	3 stories
RS10, R10	10,000	0.40	20	5	3 stories
R8	8,000	0.45	20	5	3 stories
RS7.5	7,500	0.45	20	5 (See Note 2)	3 stories
R6	6,000	0.50	20	5 (See Note 2)	3 stories
RS5	5,000	0.50	20	5 (See Note 2)	3 stories
RS3.75 OR40, ORI	3,750	0.60	20	3	3 stories
RM2	20,000	0.35	20	15	3 stories
RM4	10,000	0.40	20	10	3 stories
RM6	6,000	0.50	20	10	3 stories
RM9	5,000	0.50	20	5 <i>See Note 2</i>	3 stories
RM15	5,000	0.50	20	5 <i>See Note 2</i>	3 stories
RM20, OR20	5,000 3,750	0.50 0.60	20	5 <i>See Note 2</i>	3 stories
RM40, RM60, I, ON, OR40, ORI MUN, MUL, MUG, MUI	3,750	0.60	20	3	3 stories

Note 1: Street setbacks are listed in Table 17.12.030A and in Section 17.12.035 for the urban zoning overlay district.

Note 2: Within the urban zoning overlay district, the minimum side setback shall be 3 feet.

Resolution No. 2002-114

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-008T is **APPROVED (9-0)**."

The purpose of this amendment is to establish reasonable bulk requirements for the RM9, RM15, RM20, and OR20 districts within the urban zoning overlay district (UZO). This amendment reduces the side setback for these districts within the UZO to three feet from five feet, which is the same side setback as that used for the similarly urban RS7.5, R6, and RS5 districts.

3. 2002Z-009T

A request to amend Table 17.08.030 of the Zoning Ordinance (District Land Use Tables) and Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings in the ON and MUN Districts) by making them permitted instead of permitted with conditions, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Table 17.08.030 (District Land Use Tables) and Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings) of the Zoning Ordinance. The amendments are needed in concert with zone change request 2002Z-008T in order to establish more reasonable bulk requirements for single- and two-family dwellings in the MUN and ON districts. The amendment to Table 17.08.030 changes single- and two-family dwellings in the MUN district and single-family dwellings in the ON district from permitted with conditions to permitted uses. The amendment to Section 17.16.030.D deletes the conditions for single-family dwellings in the ON district and single- and two-family dwellings in the MUN district.

The text amendment is as follows:

amend Table 17.08.030 (District Land Use Tables) by **modifying** the table as follows:

MUN district: by changing the "PC" in the rows labeled "Single-family" and "Two-family" to a "P"

ON district: by changing the "PC" in the row labeled "Single-family" to a "P"

...amend Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings in the ON or MUN Districts) by **deleting** text as follows and by **relettering** the existing paragraph "E." to "D":

D. Single-Family and Two-Family Dwellings in the ON or MUN Districts. In the ON district, single-family dwellings and in the MUN district, single-family and two-family dwellings, shall be permitted provided the proposed lots comply with the bulk standards and landscape buffer yard requirements of the residential zoning district whose minimum lot size is equivalent to those being proposed. As an example, a subdivision in the ON district proposing a five thousand square foot lot size would comply with the RS5 district standards.

Resolution No. 2002-115

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-009T is **APPROVED (9-0)**."

The amendments are needed in concert with zone change request 2002Z-008T in order to establish more reasonable bulk requirements for single- and two-family dwellings in the MUN and ON districts.

4. 2002Z-010T

A request to amend Section 17.12.030.C of the Zoning Ordinance (Street Setbacks) relating to front facades of buildings on rectangular corner lots, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.12.030.C (Street Setbacks) of the Zoning Ordinance. The purpose of this amendment is to provide a consistent and appropriate location for the front facades of buildings, since the predominant character of development is to

have buildings oriented towards the streets where the shorter lot lines are found. The amendment establishes the shorter lot line of a rectangular corner lot as the location of the front façade of the principal structure. The amendment also grants the Zoning Administrator the authority to determine that the longer lot line is the more appropriate location for the front façade.

The text amendment is as follows:

amend Section 17.12.030.C (Street Setbacks) by **inserting** text as follows:

6. The front façade of a principal structure on a corner lot that has lot lines of unequal length abutting the streets shall be oriented to the shorter lot line, except where the Zoning Administrator determines that the longer lot line is more appropriate.

Resolution No. 2002-116

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-010T is **APPROVED (9-0)**."

The purpose of this amendment is to provide a consistent and appropriate location for the front facades of buildings, since the predominant character of development is to have buildings oriented towards the streets where the shorter lot lines are found. The amendment establishes the shorter lot line of a rectangular corner lot as the location of the front façade of the principal structure. The amendment also grants the Zoning Administrator the authority to determine that the longer lot line is the more appropriate location for the front façade.

5. 2002Z-011T

A request to amend Table 17.12.030.A of the Zoning Ordinance (Street Setbacks for Single and Two-Family Structures) by adding to the table for housekeeping purposes office, mixed-use, and higher-density residential districts which have always permitted these uses, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Table 17.12.030.A of the Zoning Ordinance (Street Setbacks for Single- and Two-Family Structures). The amendment is a companion to zone change proposal 2002Z-008T, which establishes bulk requirements for several zoning districts that permit single- and two-family dwellings. This proposal adds the I, MUN, MUL, MUG, MUI, ON, and ORI districts to the list of zoning districts in the table. These districts have a minimum street setback of 20 feet from minor local and local streets and 40 feet from all other streets.

The text amendment is as follows:

...amend Table 17.12.030A (Street Setbacks for Single-Family and Two-Family Structures) by **replacing** the table with the following table (*note: changes to the table are shown in strike-through and italics*).

**Table 17.12.030A
STREET SETBACKS FOR SINGLE AND TWO-FAMILY STRUCTURES**

Zoning Districts	Minor-Local and Local Streets	All⁽²⁾ Other Streets
AG, AR2a, RS80, R80, RS40, R40	40 feet	40 feet
RS30, R30, RS20, R20, RS15, R15, RM2	30 feet	40 feet
RS10, R10, R8, RS7.5, R6, RS5	20 feet ⁽¹⁾	40 feet
RS3.75, MHP, RM4 through RM60, <i>I, MUN, MUL, MUG, MUI, ON, OR20, and OR40, and ORI</i>		

(1) Two-family dwellings with any parking proposed between the street line and the front edge of the residential structure shall provide a minimum street setback of thirty feet.

(2) Lots having vehicular access to these streets shall develop in a manner which avoids back-up movements into the public street.

Resolution No. 2002-117

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-011T is **APPROVED (9-0)**."

The amendment is a companion to zone change proposal 2002Z-008T, which establishes bulk requirements for several zoning districts that permit single- and two-family dwellings. This proposal adds the I, MUN, MUL, MUG, MUI, ON, and ORI districts to the list of zoning districts in the table.

6. 2002Z-012T

A request to amend Section 17.12.035 of the Zoning Ordinance (Contextual Street Setbacks Within the Urban Zoning Overlay District) to identify in which zoning districts contextual street setbacks shall apply as well as clarify that parking may be permitted in the front of a building within the Urban Zoning Overlay district, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.12.035 (Contextual Street Setbacks Within the Urban Zoning Overlay district) of the Zoning Ordinance. The amendment makes several changes with the intent of improving the streetscape within the Urban Zoning Overlay district. It adds the office, industrial, RM20, RM40, and RM60 districts to the list of districts to which the Neighboring Lots, Major New Investment, Corner Lots, and Petitions for Mandatory Reductions of Street Setbacks provisions apply. These districts, like the other districts listed, are appropriately located in urban settings. The amendment also clarifies that structures used to determine context should also be within one of these same listed zoning districts.

The amendment also permits buildings in the mixed use, office, industrial, RM20, RM40, RM60, and commercial districts to be constructed as close as the edge of the right-of-way. This change helps to create the street wall that gives a better three-dimensional form to the urban streetscape. This change makes Figure 17.12.035.A.4, which illustrated the corner lots provision, obsolete, so it is removed from the section. The amendment also clarifies that the leading edge of the building used to determine context for the maximum setback is what should be used for comparison.

The amendment changes the notes that establish how much of the front façade of a building must extend across the lot frontage, currently set at 75%. For lots that are 60 feet wide or greater this is changed to 25% of the lot width or 25 feet, whichever is greater. For lots that are less than 60 feet wide, the building is to extend the full width of the lot with the exception of an opening for a driveway to access required parking. The purpose of these changes is to provide greater flexibility for varying sizes of lots. The amendment also adds covered patios to the list of items for which projections and recesses are permitted. Finally, the amendment rewords some of the language in the Petitions for Mandatory Reductions of Street Setbacks and Adopted Plan sections to clarify the intent of those provisions.

The text amendment is as follows:

...amend Section 17.12.035 (Contextual Street Setbacks Within the Urban Zoning Overlay District) by **modifying** the text as follows and by deleting Figure 17.12.035.A.4:

A. Street Setbacks.

Regardless of the minimum street setback requirements described in Tables 17.12.030.A or 17.12.030.B,

1. **Neighboring lots.** In a mixed use, *office, industrial, RM20, RM40, RM60* or commercial zone district, the front facade of a principal building may be constructed ~~as close to the street as the facade of any principal building on an immediately abutting lot~~ *as close as the edge of the right-of-way* and shall not be constructed further from the street than the *leading edge of the* front facade of the principal building on an abutting *mixed use, office, industrial, RM40, RM60, or commercial zoned* lot that is furthest from the street.

2. **Block character.** *In an R, RS, RM2, RM4, RM6, RM9, or RM15 district, if* two-thirds (2/3) or more of the principal buildings along a block face do not meet the minimum street setback requirements in Tables 17.12.030.A or 17.12.030.B, then new principal buildings constructed along such block face shall be constructed no closer to the street than the *leading edge of the* front facade of the principal building on the block face that is closest to the street and no further from the street than the *leading edge of the* front facade of the principal building on the block face that is furthest from the street. In an R or RS district, reference to a principal building shall mean a principal building originally constructed for single-family or duplex residential use and occupancy.

In a mixed use, office, industrial, RM20, RM40, RM60 or commercial zone district, if two-thirds (2/3) or more of the principal buildings along a block face do not meet the minimum street setback requirements in Tables 17.12.030.A or 17.12.030.B, then new principal buildings constructed along such block face may be constructed as close as the edge of the right-of-way and shall be constructed no further from the street than the leading edge of the front facade of the principal building on the block face that is furthest from the street.

3. **Major new investment.** In a mixed use, *office, industrial, RM20, RM40, RM60* or commercial zone district, the owner of one or more contiguous lots that collectively include at least one corner lot and at least fifty percent (50%) or more of the street frontage along either block face shall not be subject to the minimum street setback requirements in Table 17.12.030.B for the block face (s) with 50% or more of the street frontage. If the owner opts to develop the property such that the facades of the principal buildings are built within ten feet of the edges of the rights-of-way, the owner shall be eligible for a parking reduction pursuant to Section 17.20.040.

4. **Corner lots.** If any corner lot in a mixed use, *office, industrial, RM20, RM40, RM60* or commercial district contains a building that is located closer to either street frontage than the minimum street setback required in the zoning district, any buildings on other *mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned* corner lots facing the same intersection may be located ~~equally close to either street frontage~~ *as close as the edges of both rights-of-way*. In this situation, ~~No~~ building facade shall be set back

further from the fronting street than the *leading edge of the* corresponding facade of ~~the any~~ existing building *on the other corner lots*. If there are existing principal buildings on more than one corner, then the facade of the new building shall be no further from the fronting street than the *leading edge of the* closest corresponding facade on the other existing buildings (See Figure 17.12.035.A.4).

*Note: For the purposes of section A above, ~~the front facade of any new building or addition to the front of an existing building shall extend across at least 75% of the lot frontage, except in R or RS districts,~~ for lots that are 60 feet wide or greater, the front façade of the building shall extend across 25% of the lot frontage or be 25 feet in width, whichever is greater. For lots that are less than 60 feet wide, the building shall extend across the full width of the lot unless a driveway is required to access required parking. If a driveway is required to access required parking, an opening of up to 24 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the front of the building to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. *The front facade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features.**

B. Petitions for Mandatory Reductions of Street Setbacks.

1. **Block Face.** The owners of two thirds (2/3) or more of the property *that is zoned mixed use, office, industrial, RM20, RM40, RM60 or commercial* along an entire block face may petition the metropolitan planning commission and metropolitan council to adopt an ordinance requiring that each front facade of a principal building along that block face be set back no further from the street than:

i. The *leading edge of the* front facade of the principal building on an immediately abutting *mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned* lot ~~or parcel~~; or

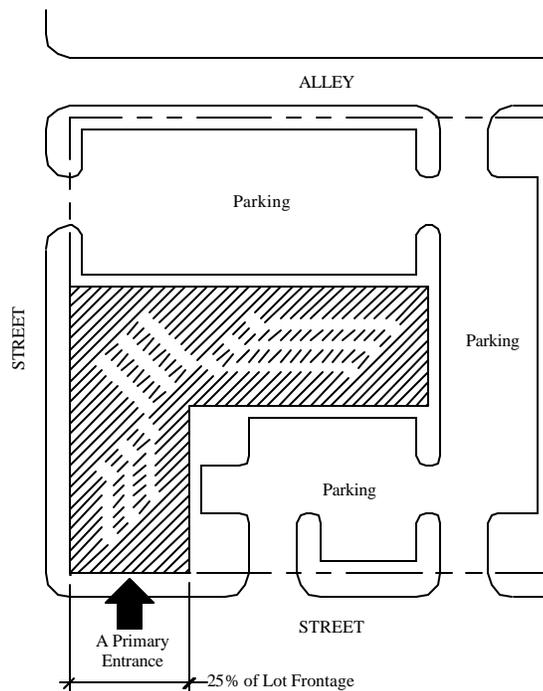
~~If there are two immediately abutting parcels facing the same street, then no further from the street than that primary facade on an immediately abutting parcel that is further from the street. The petition, and any proposed amendments to the petition, shall be reviewed in accordance with Section 17.40.060.~~

The leading edge of the front façade of a principal building on an immediately abutting mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned lot that is furthest from the street, when there are two immediately abutting lots facing the same street.

*Note: For the purposes of section B.1. above, ~~the front facade of any new building or addition to the front of an existing building shall extend across at least 75% of the lot frontage, except in R or RS districts,~~ for lots that are 60 feet wide or greater, the front façade of the building shall extend across 25% of the lot frontage or be 25 feet in width, whichever is greater. For lots that are less than 60 feet wide, the building shall extend across the full width of the lot unless a driveway is required to access required parking. If a driveway is required to access required parking, an opening of up to 24 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the front of the building to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. *The front facade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features.**

2. **Adopted plan.** The metropolitan planning department may petition the metropolitan council to adopt an ordinance *and any future amendments to it, in accordance with Section 17.40.060,* requiring a specific setback or build-to distance in all or part of an area where an adopted plan recommends creating a specific front setback or build-to distance, regardless of the existing pattern of front setbacks. The term “adopted plan” shall include redevelopment plans adopted by metropolitan council wherein urban design guidelines are administered by the metropolitan development and housing agency.

Figure 17.12.035



Resolution No. 2002-118

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-012T is **APPROVED (9-0)**."

The amendment makes several changes with the intent of improving the streetscape within the Urban Zoning Overlay district. It adds the office, industrial, RM20, RM40, and RM60 districts to the list of districts to which the Neighboring Lots, Major New Investment, Corner Lots, and Petitions for Mandatory Reductions of Street Setbacks provisions apply. These districts, like the other districts listed, are appropriately located in urban settings. The amendment also clarifies that structures used to determine context should also be within one of these same listed zoning districts.

7. 2002Z-013T

A request to amend Section 17.12 of the Zoning Ordinance (District Bulk Provisions) to ensure accessory buildings are in-scale with the neighboring area and provide size limitations on them where they are located on lots less than one acre in size, but exempting accessory structures from the size limitations on lots where agricultural activities and domestic animals/wildlife are permitted, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Chapter 17.12 (District Bulk Provisions) of the Zoning Ordinance. The purpose of this amendment is to help ensure that accessory buildings are in scale with the development pattern they are located within. This amendment establishes bulk standards for accessory buildings. Currently, only the height of accessory buildings is regulated. The amendment establishes rear setbacks for all accessory buildings and a size limitation for accessory buildings on lots with single- and two-family dwellings on lots that are less than forty thousand square feet.

The text amendment is as follows:

...amend Chapter 17.12 (District Bulk Provisions), by replacing Section 17.12.040.E.1 with new Section 17.12.040.E.1.a and b as follows, by **inserting** a new Section 17.12.050 as follows and by renumbering the remaining sections:

Accessory buildings

Accessory buildings, when located to the rear of a principal structure on a lot where the rear lot line abuts an alley, shall provide a minimum rear setback of three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;

Accessory buildings (including above-ground swimming pools extending more than twelve inches above ground level) of six hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet) and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;

17.12.050 Accessory Building Floor Area Controls. *Special floor area controls for lots with Single-Family and Two-Family Dwellings.*

On all lots with a size of less than forty thousand square feet, the building coverage of all accessory structures located to the rear of the principal dwelling and complying with the district setbacks shall be limited to 600 square feet or 50 percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed 2500 square feet.

These floor area controls shall not apply to accessory structures proposed on lots where agricultural activities and domestic animals/wildlife are permitted.

Resolution No. 2002-119

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-013T is **APPROVED (9-0).**"

The purpose of this amendment is to help ensure that accessory buildings are in scale with the development pattern they are located within. This amendment establishes bulk standards for accessory buildings. Currently, only the height of accessory buildings is regulated. The amendment establishes rear setbacks for all accessory buildings and a size limitation for accessory buildings on lots with single- and two-family dwellings on lots that are less than forty thousand square feet. These limitations, however, shall not apply to accessory structures proposed on lots where agricultural activities and domestic animals/wildlife are permitted.

8. 2002Z-014T

A request to amend Table 17.20.030 of the Zoning Ordinance (Parking Requirements: Retail) to modify the general retail and convenience retail parking requirements within the Urban Zoning Overlay district, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Table 17.20.030 (Parking Requirements) of the Zoning Ordinance. The purpose of the amendment is to both clarify one of the Urban Zoning Overlay (UZO) district provisions and to encourage the development of small convenience retail businesses within the UZO. The amendment clarifies that the first 2,000 square feet of General Retail floor area is exempt from providing parking and extends the first 2,000 square foot exemption to Convenience Retail.

The text amendment is as follows:

...amend Table 17.20.030 (Parking Requirements) by **inserting** text into the row labeled "Retail" as follows:

Retail	1 space per 200 square feet UZO district: General Retail: First 2,000 square feet: exempt; 1 space per 200 square feet for 2,000 to 50,000 square feet &and 1 space per 250 square feet for 50,000 to 100,000 square feet &and 1 space per 300 square feet for 100,000 to 400,000 square feet &and 1 space per 350 square feet for greater than 400,000 square feet Convenience Retail: First 2,000 square feet: exempt; 1 space per 250 square feet <i>thereafter</i> ; Shopping Center Retail: 1 space per 250 square feet for less than 400,000 square feet & 1 space per 225 square feet for 400,000-600,000 sf square feet &and 1 space per 200 square feet for greater than 600,000 square feet; Outdoor (except vehicle sales, limited): 1 space per 1,000 square feet of lot area
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Resolution No. 2002-120

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-014T is **APPROVED (9-0).**"

The purpose of the amendment is to both clarify one of the Urban Zoning Overlay (UZO) district provisions and to encourage the development of small convenience retail businesses within the UZO. The amendment clarifies that the first 2,000 square feet of General Retail floor area is exempt from providing parking and extends the first 2,000 square foot exemption to Convenience Retail.

9. 2002Z-015T

A request to amend Section 17.20.040 of the Zoning Ordinance (Adjustments to Required Parking) to clarify that on-street parking may occur along streets less than 26 feet wide within the Urban Zoning Overlay district, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.20.040 (Adjustments to Required Parking) of the Zoning Ordinance. The purpose of the amendment is to enable on-street parking on narrow streets within the Urban Zoning Overlay district (UZO) while ensuring the safety of motorists and pedestrians. The amendment permits on-street parking on one side of streets that are less than 26 feet wide within the UZO, unless otherwise posted.

The text amendment is as follows:

...amend Section 17.20.040 (Adjustments to Required Parking) by **inserting** a new section “F. On-street parking on narrow streets”

F. On-street parking on narrow streets within the Urban Zoning Overlay district: Unless otherwise posted and pursuant to other limitations set forth in Section 17.20.040, on-street parking may be used to meet minimum parking requirements for properties on only one side of non-arterial streets within the Urban Zoning Overlay district that are less than 26 feet wide (curb to curb). For streets that are oriented northerly to southerly, properties abutting the easterly side qualify. For streets that are oriented easterly to westerly, properties abutting the northerly side qualify.

Resolution No. 2002-121

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-015T is **APPROVED (9-0).**"

The purpose of the amendment is to enable on-street parking on narrow streets within the Urban Zoning Overlay district (UZO) while ensuring the safety of motorists and pedestrians. The amendment permits on-street parking on one side of streets that are less than 26 feet wide within the UZO, unless otherwise posted.

10. 2002Z-016T

A request to amend Section 17.20.060.D of the Zoning Ordinance (Parking Area Design Standards: Residential Parking) to delete a provision requiring off-street parking within any street setback area be on a driveway within the Urban Zoning Overlay district, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.20.060.D (Parking Area Design Standards: Residential Parking) of the Zoning Ordinance. The purpose of this amendment is to remove an Urban Zoning Overlay (UZO) district provision that has proven to be unworkable. The amendment deletes a provision that prohibits residential parking in required street setback areas unless it is located on a driveway. The code does not define residential driveways, rendering this provision meaningless.

The text amendment is as follows:

...amend Section 17.20.060.D (Parking Area Design Standards: Residential Parking) by **deleting** text as follows:

D. **Residential Parking.** Required parking spaces for a single-family or two-family dwelling unit shall be a minimum of eight feet wide and twenty feet long. Required parking spaces may be placed end to end. Garage doors opening toward a public street shall be a minimum of twenty feet from the property line. ~~Within the urban zoning overlay district, no off-street parking area or loading area shall be located within any required street setback area, unless it is located on a driveway in accordance with Section 17.20.060.G.~~

Resolution No. 2002-122

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002-016T is **APPROVED (9-0).**"

The purpose of this amendment is to remove an Urban Zoning Overlay (UZO) district provision that has proven to be unworkable. The amendment deletes a provision that prohibits residential parking in required street setback areas unless it is located on a driveway. The code does not define residential driveways, rendering this provision meaningless.

11. 2002Z-017T

A request to amend Section 17.20.080.C of the Zoning Ordinance (Off-Site Parking: Common Ownership) to ensure that off-site parking leased for a particular use coincides with the term of the tenant lease, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.20.080.C (Off-site Parking: Common Ownership) of the Zoning Ordinance. The purpose of the amendment is to provide a renewal option for leased off-site parking and to ensure that off-site parking leased for a particular use coincides with the term of the tenant lease. The amendment adds language referring to a guaranteed renewal option. It also adds language regarding the recording of the lease and providing copies of all lease and lease renewal agreements to the Zoning Administrator.

The text amendment is as follows:

...amend Section 17.20.080.C (Off-site Parking: Common Ownership) by **modifying** the text as follows:

C. Common Ownership. Any off-site parking area shall be under the same ownership as the principal use to which it is accessory, or otherwise secured by a lease of no less than, three years *with a guaranteed renewal option or the lease is equal to* the term of any lease for the principal use, whichever is greater, and all necessary legal instruments shall be executed and recorded with the Register of Deeds *against all parcels involved. Copies of all recorded lease agreements shall be provided to the Zoning Administrator prior to the issuance of zoning permits. All renewal agreements pertaining to off-site parking contained within the lease shall be provided to the Zoning Administrator prior to the end of a lease term. This is to* ensure that the required number of spaces shall remain available throughout the life of the principal use.

Resolution No. 2002-123

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002-017T is **APPROVED (9-0).**"

The purpose of the amendment is to provide a renewal option for leased off-site parking and to ensure that off-site parking leased for a particular use coincides with the term of the tenant lease. The amendment adds language referring to a guaranteed renewal option, the recording of the lease, and providing copies of all lease and lease renewal agreements to the Zoning Administrator.

12. 2002Z-018T

A request to amend Section 17.24.190 of the Zoning Ordinance (Landscape Buffer Yard Requirements: Exemptions) by adding that a buffer yard is not required when a zoning district boundary falls along a utility easement of 50 feet or greater or along any public street within the Urban Zoning Overlay district, requested by Planning Department staff. (Deferred from meeting of 3/14/02).

Staff recommends *approval*. The complete text amendment is attached.

The Planning Commission deferred this text amendment at its March 14, 2002 meeting to evaluate all the proposed amendments at a work session on March 28, 2002. This proposal amends Section 17.24.190 (Landscape Buffer Yard Requirements: Exemptions) of the Zoning Ordinance. The purpose of the amendment is to provide more reasonable landscape buffer yard requirements. The amendment adds boundary lines along utility lines of 50 feet wide or greater to the list of countywide exemptions and boundary lines along public streets to the list of exemptions within the Urban Zoning Overlay district.

The text amendment is as follows:

...amend Section 17.24.190 (Landscape Buffer Yard Requirements: Exemptions) by **modifying** the text as follows:

No landscape buffer yard shall be required in the following situations:

A. When a zoning boundary falls along a public street containing four or more travel lanes, or along an elevated railroad bed, *utility line easement of 50 feet wide or greater*, navigable river, or controlled access highway.

B. *When a zoning boundary falls along a public street within the Urban Zoning Overlay district.*

~~B~~C. When the property is zoned CC (commercial core). (Ord. 98-1268 § 1 (part), 1998)

Resolution No. 2002-124

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-018T is **APPROVED (9-0)**

The purpose of the amendment is to provide more reasonable landscape buffer yard requirements. The amendment adds boundary lines along utility lines of 50 feet wide or greater to the list of countywide exemptions and boundary lines along public streets to the list of exemptions within the Urban Zoning Overlay district.

14. 2002Z-027G-04

Map 043-14, Parcel(s) 129, 130, 131 and Part of 125 (0.26 ac)

Subarea 4 (1998)

District 9 (Dillard)

A request to change from OR20 district to CS district properties at 108 Hillcrest Drive, 708 Old Hickory Boulevard, and Old Hickory Boulevard (unnumbered), (0.88 acres), requested by Rodney Jarvis and Anthony Dunn, owners.

Staff recommends *approval*.

Subarea Plan amendment required? No.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No.

This request is to change .88 acres from OR20 (office and residential) to CS (commercial) district properties at 708 East Old Hickory Boulevard, East Old Hickory Boulevard (unnumbered), and 108 Hillcrest Drive. The existing OR20 district is intended for office and/or residential multi-family uses at up to 20 dwelling units per acre, while the proposed CS district is intended for a wide range of commercial uses including retail, restaurant, office, vehicular sales, and auto-repair. Staff recommends approval.

This proposal is consistent with the Subarea 4 Plan's Commercial Arterial Existing (CAE) policy that falls on the majority of these properties. CAE is designed to recognize existing areas of commercial zoning. Although a small portion at the rear of parcel 125 falls within Residential Low Medium (RLM) policy calling

for 2 to 4 dwelling units per acre, the majority of this property is part of a larger parcel that fronts East Old Hickory Boulevard and has commercial zoning.

Traffic

The Metro Traffic Engineer has indicated that E. Old Hickory Boulevard and Hillcrest Drive can sufficiently accommodate traffic generated by the proposed CS zoning.

Resolution No. 2002-125

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-027G-04 is **APPROVED (9-0).**"

This proposal is consistent with the Subarea 4 Plan's Commercial Arterial Existing (CAE) policy that falls on the majority of these properties. CAE is designed to recognize existing areas of commercial zoning. Although a small portion at the rear of parcel 125 falls within Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre, the majority of this property is part of a larger parcel that fronts East Old Hickory Boulevard and has commercial zoning.

16. 2002Z-031G-06
Map 102-00, Parcel(s) 12
Subarea 6 (1996)
District 23 (Bogen)

A request to change from R40 district to CL district property at 5427 River Road, abutting the north margin of River Road, just west of Charlotte Pike intersection, (6.56 acres), requested by L. Gino Marchetti Jr., of Taylor, Pigue, Marchetti & McCaskill, appellant, for James Meadows and Mark Meadows, owners.

Staff recommends *conditional approval* subject to traffic improvements on River Road.

Subarea Plan amendment required? No.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No.

This request is to change 6.56 acres from R40 (residential) to CL (commercial) district property at 5724 River Road, abutting the north margin of River Road, just west of Charlotte Pike intersection. The existing R40 district is intended for single-family and duplex dwellings at 1 unit per acre. The proposed CL district is intended to provide for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, and administrative offices.

Subarea 6 Plan Policy

Staff recommends conditional approval of the proposed CL zoning since it is consistent with the Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy. That policy calls for a mixture of commercial development providing consumer goods, services, and employment in areas with good regional accessibility. This property is located near the Charlotte Pike Wal-Mart and Lowe's Center with good regional access to I-40.

Traffic

The Metro Traffic Engineer has indicated that the applicant will be required to construct a left-turn lane into the property on River Road, with adequate storage. It will also be necessary for the applicant to dedicate 11 feet of the property's frontage on River Road in order to bring River Road to the collector road standard, with 72 feet of right-of-way.

Resolution No. 2002-126

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-031G-06 is **APPROVED (9-0).**"

The proposed CL zoning is consistent with the Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy. That policy calls for a mixture of commercial development providing consumer goods, services, and employment in areas with good regional accessibility. This property is located near the Charlotte Pike Wal-Mart and Lowe's Center with good regional access to I-40.

The Metro Traffic Engineer has indicated that the applicant will be required to construct a left-turn lane into the property on River Road, with adequate storage. It will also be necessary for the applicant to dedicate 11 feet of the property's frontage on River Road in order to bring River Road to the collector road standard, with 72 feet of right-of-way.

FINAL PLAT SUBDIVISIONS

20. 2002S-086U-05
TREVECCA SUBDIVISION OF RENRAW,
Consolidation of Lot 186
Map 072-13, Parcel(s) 225 & 444
Subarea 5 (1994)
District 7 (Campbell)

A request for final plat approval to consolidate two lots into one lot abutting the south margin of Strouse Avenue, opposite Emmett Avenue, (.28 acres), classified within the RM40 Urban Zoning Overlay District, requested by Michael O'Neill, owner/developer, Jesse Walker Engineering, surveyor.

Staff recommends *conditional approval* subject to a variance for lot width to depth ratio and a bond for sidewalks.

This request is for final plat approval to consolidate two lots into one lot on approximately 0.28-acres, abutting the south margin of Strouse Avenue, opposite Emmett Avenue. The property is located within the RM40 district across the street from the Nashville Auto-Diesel College. Sidewalks are required for this property and are shown on the final plat.

Variance - Lot Depth to Width Ratio

The Subdivision Regulations provide that a lot's width should not exceed its depth by more than four times. Lot 1 has approximately 50 feet of road frontage and a depth of approximately 122 feet. Lot 2 is currently landlocked with a depth of approximately 101 feet. Combining these two lots will yield one lot with 50 feet of frontage and a depth of 223 feet, exceeding the 200 foot maximum lot depth set forth in the regulations. Staff supports a variance from this standard since there are 11 other lots along Strouse Avenue with a similar shape as this proposed lot.

Staff recommends conditional approval subject to a variance for lot depth to width ratio and a bond for sidewalks.

Resolution No. 2002-127

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-086U-05, is **APPROVED WITH CONDITIONS, AND A VARIANCE FOR LOT DEPTH TO WIDTH RATIO (SECTION 2-4.2E OF THE SUBDIVISION REGULATIONS) AND BOND FOR SIDEWALKS (9-0).**

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Planning Commission must approve a variance for lot depth to width ratio.
2. A bond is posted for sidewalks along Strouse Avenue.

PLANNED UNIT DEVELOPMENTS (revisions)

22. 43-80-U-13
 AmSouth Bank at Hickory Hollow
 Map 163, Parcel(s) 282
 Subarea 13 (1996)
 District 28 (Alexander)

A request for a revision to the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the north margin of Hickory Hollow Parkway, abutting the Hickory Hollow Mall Ring Road, classified within the R8 district, (3.56 acres), to permit the creation of a new building site and the addition of a 478 square foot bank facility to the PUD, approved for a 10,867 square foot office facility, requested by Littlejohn Engineering, for Shelter Mutual Insurance Company, owner.

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Commercial PUD district located along a private drive serving the Hickory Hollow Mall. This plan proposes to subdivide a 3.56 acre lot into two lots. The newly created lot is for a 478 square foot banking facility with five (5) drive-thru lanes. The plan also proposes the relocation of a private water and sewer line easement currently running through the center of this property. Since these are private lines, a mandatory referral will not be required. The plan is currently approved for a 10,867 square foot office building. Staff recommends conditional approval provided Public Works approves the plans, and sewer capacity is purchased prior to the Planning Commission meeting.

Subarea Plan/Zoning

The proposed PUD revision is consistent with the Subarea 13 Plan’s Retail Activity Center (RAC) policy calling for concentrated mixed-use areas anchored by a regional mall. These areas typically serve a customer base of at least 125,000 people. RAC is intended for a wide range of commercial uses including office, retail, and restaurant. Although this proposal increases the floor area of the PUD by 478 square feet, it does not increase the overall square footage by more than 10% of what was originally approved by the Metro Council. The Metro Council approved this plan in 1980. Since this commercial PUD was originally approved with an office building, and since the proposed bank use is classified as office in the Zoning Ordinance, the Zoning Administrator has ruled that this use would be permitted as a revision to the PUD.

Resolution No. 2002-128

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 43-80-U-13 is **APPROVED WITH CONDITIONS (9-0)**: The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any permits, the recording of a revised final subdivision plat for the creation of the new building site

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

MANDATORY REFERRALS

24. 2002M-021U-03

Council Bill No. BL2002-978

Nashville Data Link Inc. Fiber Optic Cable Encroachment

Map , Parcel(s)

Subarea 3 (1998)

A council bill to encroach into the public right-of-way for a fiber optic cable which is planned to be attached to NES poles beginning at 1008 East Trinity Lane going westward to Whites Creek Pike, north on Whites Creek Pike to Buena Vista Pike, across Buena Vista Pike to Lloyd Road, west on Lloyd Road to Clarksville Pike, north on Clarksville Pike to the Cheatham County line, requested by Wesley G. Weeks of Boulton, Cummings, Connors & Berry, PLC for Nashville Datalink, Inc.

Staff recommends *conditional approval* subject to the applicant providing an insurance certificate for \$10 million in public liability insurance, an executed license agreement to encroach into the public right-of-way, and all agencies and departments recommending approval.

This council bill is to permit Nashville Datalink Inc. to encroach into the public right-of-way with a fiber optic cable attached to N.E.S. power poles for approximately 16 miles within Davidson County. The cable may at some point go underground although the plan is for above ground attachment. NES has approved the use of its poles for this purpose. The proposed cable route begins at 1006 East Trinity Lane and goes westward to Whites Creek Pike, north on Whites Creek Pike to Buena Vista Pike, across Buena Vista Pike to Lloyd Road, west on Lloyd Road to Clarksville Pike, north on Clarksville Pike to the Cheatham County line, its termination point in Davidson County.

Staff recommends conditional approval subject to the applicant providing an insurance certificate for \$10 million in public liability insurance, an executed license agreement to encroach into the public right-of-way, and all reviewing agencies and departments recommending approval.

Resolution No. 2002-129

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-021U-03 is **APPROVED (9-0)**."

25. 2002M-022U-03

Rename Lincoln Street to "Day Street" between Old Buena Vista Pike and West Trinity Lane
Map 070-07, Parcel(s) 192, 62
Subarea 3 (1998)
District 2 (Black)

A request to rename Lincoln Street to "Day Street" between Old Buena Vista Pike and West Trinity Lane for E-911 system efficiency, requested by the Assistant Director of Public Works.

Staff recommends *approval*.

This request is to rename Lincoln Street to "Day Street" between Old Buena Vista Pike and West Trinity Lane for E-911 system efficiency. The Assistant Director of Public Works has requested this street renaming since another Lincoln Street exists in the county. The second Lincoln Street lies in south Nashville between Lafayette Street and North Hill Street.

A notice of the proposed street renaming was sent to all property owners along or adjacent to Lincoln Street between Old Buena Vista Pike and West Trinity Lane on March 11, 2002. Staff has received no phone calls or e-mails opposed to the proposed renaming. If any are received, staff will inform the Commission at its meeting.

Staff recommends approval of the street renaming since it will eliminate confusion and improve E-911 response. All reviewing agencies and departments are recommending approval.

Resolution No. 2002-130

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-022U-03 is **APPROVED (9-0)**."

26. 2002M-023U-05

Acquire Easement on Fatherland Street for 6" Water Main
Map 083-13, Parcel(s) 292-298
Subarea 5 (1994)
District 6 (Beehan)

A request to acquire a 20 foot permanent easement for a 6" water line across the front of six vacant properties located at 1407, 1409, 1411, 1413, 1415, 1417, and 1419 Fatherland Street between South 14th Street and South 15th Street, zoned R6 and within the Urban Zoning Overlay District, requested by Metro Water Services.

Staff recommends *approval*.

This request is to acquire a 20' permanent easement for a 6" water line across the front of six vacant properties located at 1407, 1409, 1411, 1413, 1415, 1417, and 1419 Fatherland Street between South 14th Street and South 15th Street. The properties are zoned R6 district and within the Urban Zoning Overlay district. Metro Water Services is requesting the easement as part of Project No. 01-WG-145, Capital Improvement No. 96WG0005.

Staff recommends approval of this easement acquisition since all reviewing agencies and departments are recommending approval.

Resolution No. 2002-131

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-023U-05 is **APPROVED (9-0).**"

27. 2002M-025U-11

Close Alley #164 between Lafayette Street and Charles E. Davis Boulevard
Boulevard
Map 093-15, Parcel(s) 108, 111, 112, 114, 117, 392
Subarea 11 (1999)
District 19 (Wallace)

A request to close Alley #164 between Lafayette Street and Charles E. Davis Boulevard, requested by Messiah Baptist Church. Easements are to be retained.

Staff recommends *approval*.

This request is to close Alley #164 between Lafayette Street and Charles E. Davis Boulevard by Messiah Baptist Church. All easements are to be retained. There is a 6" water line and an 8" sewer line within the alley. The church has requested the closure for safety, parking, and pedestrian traffic. The church owns all of the property fronting Lafayette Street (parcels 112, 114, and 117). MDHA has agreed to this alley closure as the owner of parcels 111 and 392 that have access to Charles E. Davis Boulevard or Lafayette Street.

Staff recommends approval of this alley's closure since all abutting property owners have agreed to the closure, easements will be retained, and all reviewing agencies and departments recommend approval.

Resolution No. 2002-132

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-025U-11 is **APPROVED (9-0).**"

28. 2002M-026U-10

Abandon 6" Water Line in Burton Hills
Map 131-06-0-A, Parcel(s) 17 condo
Subarea 10 (1994)
District 33 (Turner)

A request to abandon a 6" water line within Burton Hills PUD off of Seven Hills Boulevard, requested by Metro Water Services.

Staff recommends *approval*.

This request is to abandon a 6" water line within the Burton Hills PUD off of Seven Hills Boulevard in Green Hills. Metro Water Services has requested the abandonment of this water line as part of Project No. 01-SL-133. Staff recommends approval since all reviewing agencies and departments recommend approval.

Resolution No. 2002-133

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-026U-10 is **APPROVED (9-0).**"

29. 2002M-027G-13

Acquire Easement for Water and Sewer Line Replacement
Map 149, Parcel(s) 235
Subarea 13 (1996)
District 28 (Alexander)

A request to acquire easements for an 8" water main and an 8" sewer line replacement at 2651 Murfreesboro Pike (Kroger) for the Rural Hill Road widening project, requested by Metro Water Services.

Staff recommends *approval*.

This request is acquire easements for an 8" water main and an 8" sewer line replacement at 2651 Murfreesboro Pike for Rural Hill Road widening project. Metro Water Services is requesting these easements as part of Project No. 01-WG-063/01-SG-089, Capital Improvement No. 96WG0005/96SG0005. Staff recommends approval since all reviewing agencies and departments recommend approval.

Resolution No. 2002-134

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-027G-13 is **APPROVED (8-0)**."

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

13. 2002Z-025U-13

Map 150-00, Parcel(s) Part of 252 (37 acres)

Subarea 13 (1996)

District 28 (Alexander)

A request to change from IWD district to CS district a portion of property located at Murfreesboro Pike (unnumbered), abutting the south margin of Hamilton Church Road, (37 acres), requested by Harding University, owner.

Ms. Regen stated staff recommends *disapproval*.

Subarea Plan amendment required? No. A Subarea Plan amendment would normally be required to allow commercial zoning in a residential policy area, however, staff feels this particular request does not warrant an amendment due to the proximity to commercial policy and since the property is currently zoned IWD.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? Yes, and one was submitted.

This request is to change 37 acres from IWD (industrial warehousing/distribution) to CS (commercial services) district a portion of property at Murfreesboro Pike (unnumbered), abutting the south side of Hamilton Church Road. The existing IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses, while the proposed CS district is intended for a wide range of commercial uses including retail, restaurant, office, vehicular sales, and auto-repair. Staff recommends disapproval since there are several other underutilized sites along Murfreesboro Pike that are currently zoned commercial.

Murfreesboro Pike, a major commercial arterial road, is a corridor with an overabundance of underutilized commercial shopping centers and vacant commercial properties. Any rezonings along this corridor should be in accordance with the subarea policies and should serve to enhance and revitalize the existing commercial districts. Since there are many shopping centers with vacant tenant space along this road, every effort should be made to locate new businesses to the existing underutilized shopping centers. Rezoning

and developing this property with commercial uses will only worsen the existing situation along Murfreesboro Pike by creating another commercial node-- further dispersing the commercial uses. A Wal-Mart Supercenter at Hamilton Church Road and Murfreesboro Pike will create a synergistic effect around the store. Wal-Mart is a large regional store typically attracting smaller commercial uses wanting to locate nearby. Since the property on Hamilton Church Road is mostly surrounded by vacant land, it would not be good planning practice to rezone this property for a large, regional use that would potentially encourage secondary commercial uses around it. In addition, this rezoning will encourage more commercial rezoning requests in an area with residential policy. Although the front portion of the property falls within the Subarea 13 Plan's Commercial Mixed Concentration (CMC) policy, the rear portion of the site is designated as Residential Medium High (RMH) policy calling for 9-20 dwelling units per acre and Residential Medium (RM) policy calling for 4-9 dwelling units per acre.

Staff recommends disapproval of rezoning this site to commercial although we fully support a Wal-Mart Supercenter redeveloping an existing commercial site further north on Murfreesboro Pike. Rezoning this site on Hamilton Church Road will create a commercial node that will, most likely, expand in the future to accommodate the secondary commercial uses---thus pulling development further from the already struggling shopping centers.

Traffic

A traffic impact study (TIS) was submitted by the applicant and reviewed by the Metro Traffic Engineer. The study indicates the following off-site improvements are necessary:

1. Modifications to the existing traffic signal at the intersection of Murfreesboro Road and Hamilton Church Road to provide right-turn overlap phases for the northbound and southbound approaches of Hamilton Church Road.
2. A southbound left-turn lane on Hamilton Church Road with 150 feet of storage at the east and middle driveways.
3. A southbound right-turn lane from Murfreesboro Pike onto Hamilton Church Road, length and transition to be determined by the Metro Traffic Engineer.
4. Driveway access on Hamilton Church Road shall align with the existing Hamilton Crossing Road on the north side of Hamilton Church Road.
5. Restripe existing center turn lane on Murfreesboro Pike to lengthen the existing northbound left-turn lane from 150 of storage to 300 feet of storage, with a transition to be determined by the Metro Traffic Engineer.

The Metro Traffic Engineer is also requiring the following off-site road improvements that the applicant has *not* agreed to complete:

6. A northbound right-turn lane from Bell Road to Zelida Avenue, length and transition to be determined by the Metro Traffic Engineer.
7. Improvements to the eastbound approach on Hamilton Church Road at Murfreesboro Pike for the developer to construct three (3) eastbound lanes and one westbound lane, including an eastbound left turn lane, a through lane, and a southbound right turn lane from Hamilton Church Road to Murfreesboro Pike, length and transition to be determined by the Metro Traffic Engineer.
8. A westbound right-turn lane from Mt. View Road onto Murfreesboro Pike, length and transition to be determined by the Metro Traffic Engineer.

Mr. George Dean, attorney representing WalMart, spoke in favor of the proposal and reiterated the fact that some of the properties Ms. Regen mentioned are too small for this project.

Ms. Nielson moved Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing.

The Commission expressed concerns regarding traffic and underused presently commercially zoned property, and agreed with staff's recommendation.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to disapprove.

Resolution No. 2002-135

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-025U-13 is **DISAPPROVED (9-0).**"

The Planning Commission recommends disapproval of rezoning this site to commercial although we fully support a Wal-Mart Supercenter redeveloping an existing commercial site further north on Murfreesboro Pike. Rezoning this site on Hamilton Church Road will create a commercial node that will, most likely, expand in the future to accommodate the secondary commercial uses---thus pulling development further from the already struggling shopping centers. Murfreesboro Pike, a major commercial arterial road, is a corridor with an overabundance of underutilized commercial shopping centers and vacant commercial properties. Any rezonings along this corridor should be in accordance with the subarea policies and should serve to enhance and revitalize the existing commercial districts. Since there are many shopping centers with vacant tenant space along this road, every effort should be made to locate new businesses to the existing underutilized shopping centers and vacant property. Rezoning and developing this property with commercial uses will only worsen the existing situation along Murfreesboro Pike by creating another commercial node-- further dispersing the commercial uses.

- 15. 2002Z-028U-03**
Map 071-01, Parcel(s) Part of 13 (8.79 ac)
Subarea 3 (1998)
District 2 (Black)

A request to change from RS7.5 district to CS district a portion of property at 2223 Whites Creek Pike, at the intersection of Whites Creek Pike and Toney Road, (8.79 acres), requested by Kenneth Jakes, owner.

Ms. Regen stated staff recommends *conditional approval* subject to traffic improvements.

Subarea Plan amendment required? No.

Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No.

This request is to change 8.79 acres from RS7.5 (residential) to CS (commercial) district property at 2223 Whites Creek Pike, at the intersection Whites Creek Pike and Toney Road. The existing RS7.5 district is intended for single-family homes at 4.94 dwelling units per acre. The proposed CS district is intended for a wide range of commercial uses including, retail, office, restaurant, vehicle sales, light manufacturing, mini-storage, and bank uses.

Site Analysis

This site has road frontage on Whites Creek Pike and Toney Road. The property's Whites Creek Pike frontage is currently zoned CS while the rear portion is zoned RS7.5 district and has access only to Toney Road. Currently the front portion of the property is the site of Jakes Produce. Access to Jakes Produce currently is gained from Whites Creek Pike. This rezoning is requested in order to allow the parking of

delivery trucks on the property. The current RS7.5 zoning does not allow the parking of commercial vehicles.

Staff recommends conditional approval of the proposed CS zoning for a smaller portion of the site than requested by the applicant, and subject to traffic improvements (see below). Staff supports CS zoning to the TVA line, but recommends not rezoning the area beyond the TVA line. Instead, this area beyond the TVA line should remain RS7.5 district for future residential development once access is improved along Toney Road. Currently, Toney Road dead-ends as a paved road at approximately the TVA line. The remaining unpaved public right-of-way that exists beyond that point and which this property has frontage upon, staff suggests remain RS7.5 district since it is blocked-off by a guardrail.

The proposed CS zoning is consistent with the Subarea 3 Plan's Retail Concentration Community (RCC) policy. The RCC policy is intended for community-scale retail. This property is the northern boundary of the RCC policy on the west margin of Whites Creek Pike. Commercial zoning within the RCC policy should not extend any further than Toney Road along the west margin of Whites Creek Pike.

Traffic

The Metro Traffic Engineer has indicated that the following conditions must be satisfied as a condition of this rezoning:

Prior to the issuance of any Use and Occupancy permits, the applicant shall construct a left turn lane into the property on Whites Creek Pike, with the storage and transition length to be determined by the Metro Traffic Engineer.

Dedication of 12 feet along the property's Whites Creek frontage as required by the Major Street Plan.

As per the Metro Traffic Engineer, no access driveways will be permitted along the frontage of Toney Road until this road is improved to collector street standards.

Ms. Janet Ford stated she was present to hear that the trucks would access from Whites Creek Pike as described in the staff report.

Susan Posey stated it would be good that the access will not be on Toney Road.

Mr. Kenneth Jakes, property owner, spoke in favor of the proposal.

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

Resolution No.2002-136

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-028U-03 is **APPROVED (9-0).**"

The proposed CS zoning is consistent with the Subarea 3 Plan's Retail Concentration Community (RCC) policy. The RCC policy is intended for community-scale retail. This property is the northern boundary of the RCC policy on the west margin of Whites Creek Pike. Commercial zoning within the RCC policy should not extend any further than Toney Road along the west margin of Whites Creek Pike.

The Metro Traffic Engineer has indicated that the following conditions must be satisfied as a condition of this rezoning:

1. Dedication of 12 feet along the property's Whites Creek frontage as required by the Major Street Plan.

2. As per the Metro Traffic Engineer, no access driveways will be permitted along the frontage of Toney Road until this road is improved to collector street standards.

PRELIMINARY PLAT SUBDIVISIONS

17. 2002S-062G-04
STINSON ESTATES
Map 043-01, Parcel(s) 080
Subarea 4 (1998)
District 9 (Dillard)

A request for preliminary and final plat approval to subdivide one lot into four lots abutting the southeast corner of Pierce Road and Palmer Avenue, (.69 acres), classified within the RS7.5 district, requested by John R. Stinson et ux, owners/developers, Burns and Associates, Inc., surveyor.

Ms. Regen stated *staff recommends conditional approval subject to a revised plat being submitted prior to the Planning Commission showing a minimum of 65 feet of frontage for all lots and subject to a bond for sidewalks along Palmer Avenue and Pierce Road.*

This preliminary plat is to subdivide one lot into four (4) lots on the southwest corner of the Pierce Road/Palmer Avenue intersection. The current lot contains .69 acres and is zoned RS7.5 district, requiring a minimum lot size of 7,500 square feet. All lots comply with this requirement. The plat proposes one lot to front Pierce Road and the other three lots to front Palmer Avenue. A sidewalk is shown on the plat and will be constructed along the property's Pierce Road and Palmer Avenue frontage.

Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within this subdivision are comparable to surrounding lots. The minimum allowable lot area for lots within the subdivision is 6,861 square feet based on lot comparability, however, the minimum lot area by zoning is 7,500 square feet; the more restrictive standard which all the lots meet. The minimum allowable frontage is 80 feet. All lots fail comparability for frontage, except lot 2 which contains 94 feet.

Given this property's location, the comparability results are somewhat skewed in favor of the larger lots along Pierce Road that have frontages exceeding 100 feet. The lots along Sylvia Drive are between 85 to 90 feet wide while those on Palmer Avenue are between 62 to 64 feet wide. Due to the variation in lot frontages and that this area will continue to subdivide in the future, staff recommends approval of a lot frontage variance for lots 1, 3, and 4 provided lot 3 is reconfigured to provide a minimum of 65 feet of frontage. The proposed frontage of lot 1 and lot 4 equals or exceeds 65 feet.

Staff recommends conditional approval subject to a revised plat being submitted prior to the Planning Commission showing a minimum of 65 feet of frontage for all lots and subject to a bond for sidewalks along Palmer Avenue and Pierce Road.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Cochran seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-137

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No., 2002S-062G-04 is, **APPROVED WITH CONDITIONS AND A VARIANCE FOR LOT FRONTAGE OF 65 FEET AND SUBJECT TO A BOND FOR SIDEWALKS (SECTION 2-4.7 OF THE SUBDIVISION REGULATIONS) (9-0).**”

18. 2002S-085G-06
OAKHAVEN, Section 5
Map 114-00, Parcel(s) Part of 316 & 317
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the preliminary plat to add one lot in addition to the previously approved eight lots, and final plat approval of Section 5 to create nine lots with a sidewalk variance along Oakhaven Trace, abutting the northwest terminus of Oakhaven Trace, approximately 1,055 feet northwest of Sawyer Brown Road, (4.15 acres), classified within the R15 district, requested by Eric and Wayne Crafton, owners/developers, Jesse E. Walker Engineering, surveyor.

Ms. Regen stated staff recommends *conditional approval* subject to posting a bond for the construction of streets and water and sewer lines and with a sidewalk variance on Oakhaven Trace.

~~This request consists of two parts. The first part is to revise a previously approved preliminary plat to include one additional lot for a total of 32 lots on 15.77 acres within the R15 District. This plat was originally approved on February 22, 1996, and then revised again on March 1, 2001 to add approximately a half acre to the total land area, and to reconfigure two lots into three lots. This current revision will not add any acreage or result in any change in the street and infrastructure configuration. The second part of this request is for final approval of 9 lots on the remaining 4.75 acres of the Oakhaven Subdivision.~~

Variance-Sidewalks

~~The applicant is requesting a variance to Section 2-6.1 of the Subdivision Regulations for sidewalks along Oakhaven Trace. The property has steep topography. The Planning Commission granted variances for the previous four sections of this subdivision. Staff recommends approval for this section as well because these lots are located at the end of a cul-de-sac, on a steep street that exceeds 9 percent grade where sidewalks were not required on the front section.~~

~~Staff recommends conditional approval subject to a sidewalk variance, and bonds for the extension of streets and water and sewer lines.~~

No one was present to speak at the public hearing.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-138

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-085G-06, is **APPROVED WITH CONDITIONS AND SIDEWALK VARIANCE ON OAKHAVEN TRACE AND SUBJECT TO A BOND FOR EXTENSION OF PUBLIC ROADS AND UTILITIES (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) (9-0).**"

Staff recommends approval of the final plat with the condition that the applicant satisfy the following prior to plat recordation:

1. Planning Commission must approve a variance for sidewalks along Oakhaven Trace.
2. A bond will be required for the construction of streets, water, and sewer lines prior to plat recordation."

FINAL PLAT SUBDIVISIONS

19. 2002S-073U-13

A. S. JOHNSON PROPERTY, Resubdivision of Lot 1
Map 149, Parcel(s) 268
Subarea 13 (1996)
District 28 (Alexander)

A request for final plat approval to subdivide one lot into two lots with a sidewalk variance on Johnson Ridge Road, abutting the north margin of Johnson Ridge Road, approximately 200 feet east of Treetop Drive, (2.01 acres), classified within the R10 district, requested by Aileen J. Whitson, owner/developer, Galyon W. Northcutt, surveyor.

Ms. Regen stated *staff recommends conditional approval subject to revised plat prior to recordation with a note concerning sewer service and variances for maximum lot size and a sidewalk along Johnson Ridge Road.*

This final plat is to subdivide one lot into two (2) lots at 2510 Johnson Ridge Road. The current lot contains 1.91 acres and is zoned R10 district, requiring a minimum lot size of 10,000 square feet. The proposed subdivision creates two lots. Lot 1 contains 1.2 acres and lot 2 contains .8 acres.

Variance – Sidewalk

The applicant has requested a variance to Section 2-6.1 of the Subdivision Regulations for a sidewalk along Johnson Ridge Road. The property has a drainage ditch adjacent to the road and slopes away from the road. With a grade differential greater than 9% between the road and the property, it would require significant fill to place a sidewalk along the roadway. Staff recommends approval of this sidewalk variance since constructing a sidewalk would be difficult due to these topographic features.

Variance – Maximum Lot Size

The applicant has requested a variance to Section 2-4.2D (3 x Rule) of the Subdivision Regulations since both lots exceed the maximum lot size in the R10 district. The R10 district allows a maximum lot size of 30,000 square feet. Lot 1 exceeds this by 74% or 27,000 square feet and lot 2 exceeds it by 16% or 4,848 square feet. Staff recommends approval of this variance since nearly all the lots on the north margin of Johnson Ridge Road and east margin of Treetop Drive exceed 30,000 square feet due to the sloping topography. In addition, while both lots require a variance, this plat makes the property more conforming to the R10 base zoning than exists today.

Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within this subdivision are comparable. The minimum allowable lot area for lots within the subdivision is 11,251 square feet and the minimum allowable frontage is 67 feet. Both lots pass comparability for lot area and frontage.

Plat Note

Metro Water Services is requiring the following note be placed on the plat to ensure sewer service can be provided to lot 2: "Careful consideration must be taken in establishing the finished floor elevation for lot 2

(Parcel 188) in order to obtain gravity sanitary sewer service. Otherwise, an individual private sanitary sewer grinder pump is required to serve this parcel. The property owner is responsible for the purchase and installation of their respective private grinder pump. The maintenance responsibility of each private pump is determined by Ordinance No. 98-1427 (Residential Sanitary Sewer Pump).”

Staff recommends conditional approval subject to revised plat prior to recordation with a note concerning sewer service and variances for maximum lot size and a sidewalk along Johnson Ridge Road.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2002-139

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-073U-13, is **APPROVED WITH CONDITIONS AND SIDEWALK VARIANCE ON JOHNSON RIDGE ROAD (SECTION 2-6.1) AND VARIANCE FOR MAXIMUM LOT SIZE (SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS) (9-0).**"

PLANNED UNIT DEVELOPMENTS (revisions)

- 21. 73-73-U-08**
The Villas at Metro Center
Map 81-3, Parcel(s) 365
Subarea 8 (1995)
District 20 (Haddox)

A request to revise the preliminary plan and for final approval for a phase of the Planned Unit Development District and sidewalk relief along 10th Avenue North, abutting the east margin of 10th Avenue North and south of Ponder Place, classified within the RM40 district and Urban Zoning Overlay district, (4.2 acres), to permit the development of 91 apartment units, requested by The Villas of Metro Center L.P., owner.

Ms. Regen stated staff recommends *conditional approval* with a variance to Section 2-6.1B of the Subdivision Regulations to eliminate the 4-foot wide grass strip adjacent to the sidewalk on Ponder Place.

This request is to revise the preliminary plan and for final approval for a portion of the Residential PUD district located at the corner of Ponder Place and 10th Avenue North in Subarea 8. This request is to permit the development of 91 apartment units, replacing the approved plan that included a mixture of residential, institutional, and office uses. Metro Council approved the original PUD plan in 1973. The existing RM40 base zoning allows multi-family units at a maximum density of 40 dwelling units per acre. This plan proposes a density of 21.6 dwelling units per acre on 4.2 acres. The plan includes 6, three-story buildings with 12 to 16 units per building. Staff recommends conditional approval provided a revised plan is submitted prior to the meeting including sidewalks along the frontage of 10th Avenue North, and Public Works approves the plans prior to the Planning Commission meeting.

Subarea 8 Plan

This proposal falls within the new Subarea 8 Plan’s Neighborhood Urban (NU) policy. Neighborhood Urban is the structure plan classification for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but which overall are envisioned to be very mixed-use in character. Multi-family uses, like the apartments proposed in this PUD, are permitted within the NU policy

area. This site is located to the east of the Buena Vista Heights detailed neighborhood design plan, which outlines a future structure plan for the area west of 10th Avenue North. There are also several schools/parks in this area, including the new John Early Magnet School (parcel 280), the Hull-Jackson Magnet School (parcel 250), Buena Vista Park (parcel 249), as well as the Looby Branch Library (parcel 43).

Sidewalks

The applicant is requesting a variance to Section 2-6.1B of the Subdivision Regulations to eliminate the 4-foot wide grass strip along approximately 480 feet of frontage on Ponder Place. This grass strip is required between the curb and the sidewalk. The applicant is requesting this variance due to the existing drainage ditch along the frontage. Staff supports this variance since there are existing sidewalks in the area without the grass strip, and the existing curb and gutter along Ponder Place limit the locations of the new sidewalk.

The applicant is requesting to use Section 2-6.1C of the Subdivision Regulations for sidewalk relief (in-lieu fee) in place of constructing the sidewalk along approximately 320 feet of frontage on 10th Avenue North. The reasons stated for relief include: presence of an existing drainage ditch that precludes the reasonable installation of a sidewalk within the existing right of way; the surrounding area within .25 miles is predominantly developed without sidewalks; and sidewalks do not exist on the same side of the street within a .25 mile radius.

Staff does not support the sidewalk relief along 10th Avenue North since there are two schools, a post office, a park, and a library all within one-quarter mile of this site. Sidewalks will help to achieve the goals of the Subarea 8 Plan by providing pedestrian linkages that connect the surrounding schools and neighborhoods.

No one was present to speak at the public hearing.

Ms. Nielson moved Mr. Cochran seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-140

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 73-73-U-08 is APPROVED WITH CONDITIONS AND VARIANCE FOR 4 FOOT PLANTING STRIP ON PONDER PLACE SIDEWALK (SECTION 2-6.1 OF THE SUBDIVISION REGULATIONS) AND SUBJECT TO A BOND FOR SIDEWALKS (9-0)."

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any blasting, foundation, building, or other permits, the applicant shall submit construction plans for the sidewalks along Ponder Place and 10th Avenue North to the Department of Public Works for review and approval.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

6. ***This approval does not include any signs. Business accessory of 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 Planning Commission to approve such signs.***

23. 88-85-P-06

West Park
Map 114, Parcel(s) 261-263
Subarea 6 (1996)
District 23 (Bogen)

A request to revise the undeveloped Residential Planned Unit Development District located abutting the south margin of Charlotte Pike, north of I-40, classified within the R15 district, (40 acres), to permit 240 multi-family units, replacing 240 multi-family units on the approved plan, requested by Ragan-Smith Associates, appellant, for A. K. M. Fakhruddin et al, owners. (Deferred from meeting of 3/14/02).

Ms. Regen stated staff recommends *conditional approval*.

This item was deferred at the March 14, 2002, Planning Commission meeting to allow more time for the applicant to work out the conditions regarding when the left-turn lane on Charlotte Pike is to be constructed. This issue is now resolved. This request is to revise the preliminary plan for the undeveloped residential PUD district located south of Charlotte Pike and east of the Old Hickory Boulevard/I-40 interchange in Bellevue. The proposed plan includes 240 townhomes, the same number of units approved by Metro Council in 1985. This plan also proposes the addition of an amenity area (pool and restrooms) that was not included on the original plan. This plan maintains the same number of units and the basic development concept, however, it does change the configuration of units, driveways, and open spaces areas within the PUD. Staff recommends conditional approval provided a revised plan is submitted showing sidewalks along the frontage of Charlotte Pike, and Public Works and Harpeth Valley approve the plan prior to the Planning Commission meeting.

Sidewalks

Since this is a multi-family development fronting an arterial road, Section 2-6.1 of the Subdivision Regulations and Section 17.20.120 of the Zoning Ordinance require sidewalks along the frontage. The applicant has indicated that a revised plan will be submitted prior to the Planning Commission meeting showing sidewalks along the frontage.

Traffic

The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following conditions:

Prior to the issuance of any Use and Occupancy permits for the 30th unit of this development, the developer/owner shall construct a westbound left-turn lane into the project entrance on Charlotte Pike, including 100 feet of storage capacity with a taper to AASHTO standards.

Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike shall be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.

Mr. Ben Calavetta, abutting property owner, spoke in opposition to the proposal and expressed concerns regarding a decrease in property value and water runoff. He stated Councilmember Bogen is out of town and asked the Commission for a deferral.

Mr. Cochran stated this property is already zoned for the development and this is merely a PUD revision.

Mr. Dan Stramble spoke in favor of the proposal and explained the revisions.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing.

Councilmember Summers stated he was uncomfortable acting on this proposal today because Councilmember Bogen is out of town and there has been no community meeting.

Councilmember Summers moved and Mr. McLean seconded the motion, which this proposal is approved as an amendment rather than a revision.

Chairman Lawson suggested the Commission defer the proposal rather than changing it to an amendment.

Mr. Fox stated it is up to the Commission as to whether this is an amendment or a revision, but it all comes down as to whether or not it is a change to the design and context.

Mr. McLean withdrew his second.

Ms. Cummings moved to defer two meetings.

Mr. Clifton stated he felt it should be deferred only one meeting because of the developer's timeline. He came in acting in order and there are no problems with his request.

Ms. Cummings revised her motion to one meeting

Small stated there are no requirements to notify the community of a revision to a PUD.

Mr. Clifton seconded the motion, which carried unanimously, to defer one meeting.

OTHER BUSINESS

30. Legislative Update

None.

DISCUSSION

Fees In Lieu of Sidewalks

Mr. Bernhardt stated Fees in Lieu of Sidewalks lead to much discussion in the Administration and their recommendation is that Fees in Lieu of not be granted. Variances can be granted where warranted, but sidewalks should be built when possible. It is the Administrations recommendation that the Commission not grant Fees in Lieu of Sidewalks.

Staff will prepare amendments to the Subdivision Regulations as appropriate and will review variance procedures.

Chairman Lawson stated he would like to hear the amendments from staff before they are presented at the Commission meeting.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:05 p.m.

Chairman

Secretary

Minute Approval: this 11th day of April 2002

