

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: August 16, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Frank Cochran
Tonya Jones
James McLean
Ann Nielson
Vicki Oglesby
Councilmember Phil Ponder
Douglas Small

Absent:

Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Ann Hammond, Planning Director
Marcus Hardison, Planner I
Jennifer Higgs, Planner II
Lee Jones, Planner I
Jeff Lawrence, Operations Director
Robert Leeman, Planner II
Amy McAbee-Cummings, Planner I
Anita McCaig, Planner II
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
Marty Sewell, Planner I
Chris Wooton, Planning Technician I

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

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of July 19, 2001 and August 2, 2001.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak at this point in the agenda.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2001Z-078U-10 Deferred indefinitely, by staff.
- 2001S-225U-13 Deferred indefinitely, by staff.
- 2001S-237U-07 Deferred indefinitely, by staff.

Ms. Nielson moved and Councilmember Ponder seconded the motion, which unanimously passed, to close the public hearing defer the items listed above.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONING MAP AMENDMENTS

- 2. 2001Z-002T**
 Accessory Dwellings
 Council Bill No. BL2001-746

A council bill to add provisions and standards for accessory dwelling units in certain residential districts within the Urban Zoning Overlay District by amending Section 17.04.060 (Definitions of General Terms), paragraph B, to permit the construction and use of accessory dwellings that are attached, semi-attached, or detached from the principal dwelling on a lot, under defined circumstances, requested by Planning Department staff and sponsored by Councilmember Howard Gentry.

Staff recommends approval with two housekeeping amendments. The complete text amendment follows:

Currently the zoning ordinance does not provide for independent accessory dwellings in any of the residential or mixed-use districts. The purpose of this amendment is to add an accessory use category that permits an accessory dwelling, subject to conditions, in conjunction with single-family detached homes in certain zoning districts within the urban zoning overlay.

An Accessory Dwelling is defined. It is an independent housekeeping unit that can be attached to the main house or in a separate building in the rear yard of the house. It is clearly smaller than the main house. It need not be provided access through the main house but can have a separate entrance and its own utility meter.

How does an Accessory Dwelling differ from an Accessory Apartment, which is already permitted in some zoning districts? The primary differences are that the Accessory Apartment must be accessible through the main house, it can only be used to house a family member, and it cannot have its own utility meter. Most significantly, it cannot be detached from the main house. An accessory apartment is allowed only in the agricultural districts, the RS districts and the R districts.

Why is this new Accessory Dwelling category needed? An independent accessory dwelling such as a garage apartment, guest house, or small rental cottage is a traditional, proven housing type that offers affordability and small, convenient accommodation in a neighborhood setting. It enriches the mixture of housing opportunities, especially in the affordable range, without aggregating affordable housing into large projects, and can provide extra income to make homeownership for the principal mortgage holder more accessible. It allows for a greater level of independence and privacy than does the Accessory Apartment and is not limited in its tenancy to a family member. Accessory Dwellings are considered an essential housing type in traditional neighborhoods, both those built before the Second World War and those built today as TNDs (Traditional Neighborhood Developments). They exist throughout Nashville's older urban neighborhoods, those covered by the Urban Zoning Overlay District. Anecdotal information indicates that there is a modest, but not overwhelming, demand for this type of accessory housing in the marketplace. Where would Accessory Dwellings be permitted? Only in the UZO and only on a lot with a single-family detached house. They would be permitted only in the base zoning districts that allow mixed housing types. These are R districts (one and two-family homes), RM districts (single family, duplex and multi-family houses), MU districts (mixed housing types and compatible non-residential uses), and the OR districts (office-residential uses). It is important to note that the recommended text change would not introduce Accessory Dwellings in the RS districts, which are reserved for single-family detached homes and would not extend this use into any district outside of the Urban Zoning Overlay.

What other restrictions would be placed on Accessory Dwellings? If the accessory dwelling is to be detached, either as a stand-alone cottage or a garage apartment, it must be located in the established rear yard – meaning behind the main house. There could be only one accessory dwelling on a lot. Its size would be limited to the larger of 650 square feet or 50% of the first floor area of the main house, ensuring that the accessory dwelling would be clearly smaller than the main house. There could be no separate driveway to the accessory dwelling except from a rear alley.

Could the acceptance of this text change increase housing density beyond that which is permitted by right in the affected zoning districts? No. Each district in which an accessory dwelling would be permitted already allows for duplex housing. Since the small accessory dwelling could not be built in conjunction with a duplex (only in conjunction with a single-family home), this change would never allow for more than two housing units on a lot.

Review process for this text change proposal and recommended housekeeping amendments. This proposal has been reviewed and found acceptable by the Zoning Administrator and by the Council Staff Director as well as by the Planning Staff. As a result of these reviews, two housekeeping amendments to the filed bill are recommended. The first amendment corrects the District Land Use table entry in the proposed text to eliminate Accessory Dwellings from the CF, CC, and SCR districts because these three zoning districts do not permit single-family detached houses. The second amendment corrects condition #2 of Section 17.16.030.A to read as follows: "2. The principal dwelling on the lot shall be a single-family detached dwelling, without Accessory Apartment, that meets all regulations of the district." This second amendment removes the requirement that the single-family house be "owner occupied" because the Zoning Administrator reports that this condition is extremely difficult to enforce; it also clarifies that a single

principal home does not qualify to have both an accessory dwelling and an accessory apartment on its premises.

Based on all of the above, Planning Staff recommends that this text change be approved with the proposed amendments.

Accessory Dwellings

· By amending Section 17.04.060.B (Definitions of General Terms) to add the following definition for "Accessory Dwelling" in alphabetical order:

"Accessory dwelling" means a dwelling unit, either attached to or detached from a single-family residence, the principal dwelling unit on a lot. The dwelling shall be clearly subordinate in size, height, and purpose to the principal dwelling, it shall be located on the same lot as the principal dwelling, but may be served by separate utility meter(s) and need not be provided internal access to the principal dwelling.

· By amending Section 17.08.030 (District land use tables - Residential Uses), to add a new entry after "Accessory apartment" as follows:

Zoning	R80	RM2	RM40	MUN	MUL	MUG	MUI	OR20	ORI	CF	CC	SCR
Districts	through	through	through						&			
	R6	RM20	RM60						OR40			
Accessory Dwelling	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

By amending Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) in alphabetical order as follows:

A. Accessory dwelling. An attached or detached self-sufficient dwelling unit shall be allowed accessory to a single-family residence if the following conditions are met:

1. The lot is within an Urban Zoning Overlay (UZO) district.
2. The principal dwelling on the lot shall be an owner-occupied, single-family detached dwelling, that meets all regulations of the district;
3. A detached accessory dwelling may only be located in the established rear yard.
4. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
5. The accessory dwelling shall not be served by a separate driveway unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
6. The accessory dwelling shall be owned by the same person as the principal dwelling.
7. A detached accessory dwelling shall not exceed 650 square feet or 50% of the first floor area of the principal dwelling, whichever is greater. The accessory height shall not exceed the height of the principal dwelling as measured to the eave line.
8. The accessory dwelling may be constructed attached or above a garage, workshop, studio or other accessory structure subject to, and consistent with, the provisions of Section 17.16.250.C (Home Occupation).
9. An instrument shall be recorded with the register's office covenanting that the dwelling unit is being established accessory to a principal single-family residence and may only be used under the conditions listed above.

Resolution No. 2001-362

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-002T is **APPROVED (8-0) with two housekeeping amendments:**

An independent accessory dwelling such as a garage apartment, guest house, or small rental cottage is a traditional, proven housing type that offers affordability and small, convenient accommodation in a

neighborhood setting. They exist throughout Nashville’s older urban neighborhoods, those covered by the Urban Zoning Overlay District. Two housekeeping amendments are recommended. The first amendment corrects the District Land Use table entry in the proposed text to eliminate Accessory Dwellings from the CF, CC, and SCR districts because these three zoning districts do not permit single-family detached houses. The second amendment corrects condition #2 of Section 17.16.030.A by deleting the requirement for the single-family home on which the accessory dwelling is located be owner-occupied and prohibiting both an accessory dwelling and an accessory apartment to be located on the same single-family lot.”

3. 2001Z-004T
Veterinary Clinics
Council Bill No. BL2001-744

A council bill to modify the building bulk standards for Veterinary Clinics and to clarify the conditions for a boarding kennel accessory to a clinic by amending Section 17.16.060 (Medical Uses), requested by Planning Department staff and sponsored by Councilmember Vic Lineweaver.

Staff recommends approval with two housekeeping amendments. The complete text amendment follows:

Current Requirements

The current text of the zoning ordinance provides for veterinary clinics in two distinct circumstances: Permitted By Right. Clinics in the CL (Commercial Limited), CS (Commercial Service), and CF (Core Frame) districts are permitted as a matter of right, with no special restrictions or conditions beyond those required of any other use permitted by right in these three commercial districts. In these districts indoor and outdoor kennels are permitted without limitation as accessory uses.

Permitted With Conditions. Clinics are also permitted in all of the districts listed below, but only if they meet all of the prescribed conditions set out in Section 17.16.060 of the zoning ordinance. The conditions in this section are designed to make clinics compatible with surrounding development. The districts that allow clinics with conditions are generally found in proximity to established neighborhoods, hence the rationale for setting out conditions.

MUN (Neighborhood Mixed-Use)	MUL (Limited Mixed-Use)
MUG (General Mixed-Use)	MUI (Intensive Mixed-Use)
ON (Office Neighborhood)	OL (Office Limited)
OG (Office General)	OR20/OR40 (Office-Residential)
ORI (Office-Residential Intensive)	CN (Commercial Neighborhood)
SCN (Shopping Center Neighborhood)	SCC (Shopping Center Community)
SCR (Shopping Center Regional)	

This proposed text amendment applies only to veterinary clinics permitted with conditions. It proposes no changes to clinic buildings permitted by right in CL, CS, or CF.

Background of and need for this zoning text change.

Toward the end of last year, a request was made by a council member to amend the rules for clinics that are permitted with conditions. The purpose of the proposed change was to allow up to 5,000 square feet in a veterinary clinic and to explicitly permit well-animal boarding as an accessory use so long as it was entirely within an enclosed building.

That text change was approved by Metro Council, however it had been written with a tortuous method of achieving a 5,000 square foot building size. According to the text that was approved, a 5,000 square foot building could only be realized by combining two independent 2,500 square foot buildings, either side by side or one stacked on top of the other. At the same time, it was explicitly stated in the amendment that up to 30% of the gross floor area of each clinic permitted with conditions could be dedicated to well-animal boarding. The effect of this change was to allow 5,000 square feet for the veterinary clinic’s use (in two

buildings) but require that well-animal boarding be limited to 30% of the first 2,500 square foot building and 30% of the second 2,500 square foot building. Unfortunately, this dispersion of facilities is inconsistent with the state of the practice, where well-animal boarding facilities are typically maintained in one area of the building while medical/hospital care and monitoring are usually maintained in another area of the building.

Purpose of this Amendment

The purpose of this amendment, then, is to follow the intent of the change approved last year but amend the language to allow a single building that has a limited footprint size (2,500 square feet) and a height restriction consistent with other uses in its zoning district. By so doing the scale of the building is still regulated to be compatible with surrounding development, but the 30% floor area available for boarding kennels can be located in one compact area of the facility rather than being dispersed.

One additional substantive change is proposed. That change reduces the parking requirement from 1 space per 200 square feet of gross floor area to 1 space per 300 square feet of gross floor area. The original parking requirement is consistent with high volume retail uses and high volume service businesses such as banks.

The reduced parking requirement was recommended by the Office of the Zoning Administrator as more appropriate for the relatively lower volume of automobile trips accessing veterinary offices.

Two examples of building scale that would be permitted by this text change are illustrated below.

CN (Neighborhood Commercial) District

Maximum building footprint	2,500 square feet
Maximum height above grade at setback line	20 feet (means no more than two stories above grade)
Maximum floor area above grade	5,000 square feet
Maximum floor area ratio	.25
Minimum number of parking spaces	17
Minimum lot size for 5,000 square foot building	20,000 square feet (about ½ acre)

SCR (Regional Shopping Center) District

Maximum building footprint	2,500 square feet
Maximum height above grade at setback line	30 feet (means no more than three stories above grade)
Maximum floor area above grade	7,500 square feet (approximate)
Maximum floor area ratio	1.00
Minimum number of parking spaces	25
Minimum lot size for 7,500 square foot building	15,000 square feet (theoretical: this district is intended for regional shopping centers)

What effect would this amendment have on existing veterinary facilities? In districts where veterinary clinics are permitted with conditions, it would provide existing as well as new facilities with greater flexibility in the arrangement of their interior space. It would allow proportionally larger building size in the more intensive commercial districts, such as the Regional Shopping Center (SCR) district while maintaining a smaller building size in less intensive commercial districts. The text change would also set out a parking requirement that is more rationally related to the operating characteristics of this use. In districts where veterinary clinics are permitted as a matter of right (CL, CS, and CF) only the relaxed parking requirement would apply.

Review process for this text change proposal and recommended housekeeping amendments.

This proposal has been reviewed and found acceptable by the Zoning Administrator and by the Council Staff Director as well as by the Planning Staff. As a result of these reviews, two housekeeping amendments to the filed bill are recommended. The first amendment removes the restriction in paragraph B that limits the use to no more than two establishments per lot. This restriction was questioned by Planning Commission when the proposal was first presented on June 27, 2001. Upon further review, the Office of the Zoning Administrator and Planning Staff agree that this restriction is inconsistent with regulations for other commercial uses and is unnecessary. The second amendment corrects the numbering of paragraph “h. Security Residence”, by changing the paragraph reference to “4. Security Residence”.

Based on all of the above, Planning Staff recommends that this text change be approved with amendments.

Veterinary Clinics

By amending Section 17.16.060.B Medical Uses: Veterinarian to modify the building bulk standard for Veterinary Clinics and clarify the conditions for a boarding kennel as an accessory use to a clinic, by adding the underlined language and deleting the language struck through:

Section 17.16.060 Medical Uses

B. Veterinarian. The building footprint of veterinary ~~Veterinarian~~ offices and facilities shall be limited to two thousand five hundred square feet ~~of gross floor area per establishment in the mixed use, office, commercial, and shopping center districts, with no more than two establishments per lot. No size limitation shall apply in the CF district.~~ The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.
2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.
3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are ~~may be~~ permitted as an ancillary use subject to the following conditions.
 - a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.
 - b. No outdoor kennels or runs are permitted.
 - c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.
 - d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 - e. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 - f. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.
 - g. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - h. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C. shall be met. Section 17.20.030 Parking requirements established.

Table 17.20.030

PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Veterinarian	1 space per 200 300 square feet

Resolution No. 2001-363

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-004T is **APPROVED (8-0) with two housekeeping amendments:**

Amendment allows a single building with a limited footprint size (2,500 square feet) and a height restriction consistent with other uses in its zoning district. By so doing the scale of the building is still regulated to be compatible with surrounding development, but allows boarding kennels to be located in one compact area of the facility rather than being dispersed. Two housekeeping amendments are recommended. The first amendment removes the restriction in paragraph B that limits the use to no more than two establishments per lot. This restriction is inconsistent with regulations for other commercial uses and unnecessary. The second amendment corrects the numbering of paragraph “h. Security Residence”, by changing the paragraph reference to “4. Security Residence”.

4. 2001Z-008T
Landscape, Tree, and
Buffering Requirements
Council Bill No. BL2001-750

A council bill to amend Chapter 17.24 of the Zoning Ordinance relative to landscaping, buffering, and tree replacement requirements, requested by the Metro Tree Advisory Committee and sponsored by Councilmember Jim Shulman.

Staff recommends approval with two housekeeping amendments.

This proposed package of amendments to the Landscaping, Buffering and Tree Replacement chapter of the zoning ordinance (17.24) was prepared by the Metro Tree Advisory Committee. The basic effect of the proposed changes is to improve the prospects for trees that are to be retained, improve the prospects for required trees and shrubs that are to be planted, and clarify the language of certain existing requirements. Planning staff recommends that the zoning text change be approved with two amendments. Changes recommended by the Tree Advisory Committee are summarized below. Planning Staff recommends approval of the proposed text change with the two italicized amendments shown below. Requires that site topography, utility locations, and irrigation methods be submitted with the required landscape plan. (Section 1 of Council Bill)

Makes certain non-substantive technical changes including section renumbering to improve the readability of the chapter and section renaming. (Sections 2, 10, and 15)

Clarifies that the specific screening requirements for auto salvage yards (from public streets and from properties zoned or policed for residential use) are in addition to other applicable screening and buffering standards. Planning Staff recommendation: Clarify which properties must be screened by specifying that “abutting” properties zoned or policed for residential use are to be screened. (Section 3)

Reduces the distance between landscaping and the closest hose attachment from 200 feet to 100 feet to improve likelihood of proper irrigation when developer has chosen to water plants with hoses instead of underground sprinklers (Section 4)

Deletes an exception to the irrigation requirement. “(P)lants naturally adapted to the climatic conditions of Nashville, which can survive drought in the opinion of the urban forester” will no longer be exempt from the requirement to water new plant materials. All newly planted materials, whether drought tolerant or not, require irrigation in the early years in order to become established. (Section 5)
Specifies that there will be inspection of required trees and shrubs within three years of initial planting to ensure that they are surviving. (Section 6)

Strengthens the materials that are to be used for tree protection fencing to reduce the chance of fence damage or accidental removal during land disturbing activities and construction. Fence damage/removal often results in clearing and grading activities encroaching into tree protection zones. (Sections 7 and 8)

Authorizes the Urban Forester to develop regulations governing excavation or trenching by utilities in a tree protection zone on a construction site. Regulations thus developed would become enforceable upon approval by the Metropolitan Planning Commission.¹ This standard will replace the current standard that protects historic or specimen trees from utility excavation, but fails to protect the tree protection zone as a whole. Please note that the specific regulations and guidelines must be submitted to and approved by the Planning Commission before being enforced by the Urban Forester. (Section 9)

Adds a standard that permits required landscaping to be placed in utility and drainage easements only if the utility company approves and the property owner records a restrictive covenant agreeing to replace the plants if the utility needs to remove them for work in the easement. (Sections 11 and 14)

Clarifies the requirement for use of evergreen shrubs in landscape buffer yards by specifying that at least half of the required shrubs must be locally adapted evergreen species. (Sections 12 and 13)

Reduces the widths of most landscape buffer yards by five (5) feet, and reduces the width of the most intensive buffer yard (“Standard D”) by ten (10) feet. Planning Staff Note: This change slightly reduces buffer widths while requiring the same amount of tree and shrub plantings (per 100 linear feet). This will result in a more densely planted buffer and will reduce the number of buffer options from 19 to 16, thought by the tree advisory committee to be a more manageable number. The reduction of buffer width is appropriate in an urban environment, and staff supports this change. However the text change should be amended to call for the renumbering of landscape buffer yard B-5 to B-4, C-5 to C-4, and D-5 to D-4. It should also be amended to call out corrections to the figures cited in the notes at the bottom of Figures 17.24.240B, .240C, and .240D that refer to those buffer yards that are permitted only in the Urban Zoning Overlay District. (Sections 16 through 31)

ORDINANCE NO. BL2001-750

An ordinance amending Chapter 17.24 of the Metropolitan Code of Laws relative to landscaping, buffering and tree replacement requirements.

Section 1. That the Metropolitan Code of Laws Section 17.24.020 shall be and the same is hereby amended by adding the following sentence at the end of said section:

The plan shall also show topography, location of all utilities, and either an underground sprinkler system or hose bib attachments.

Section 2. That the Metropolitan Code of Laws Sections 17.24.030 through 17.24.050 shall be and the same is hereby amended

by renumbering each section as follows:

Section 17.24.030 is hereby renumbered Section 17.24.050.

Section 17.24.040 is hereby renumbered Section 17.24.030.

Section 17.24.050 is hereby renumbered Section 17.24.040.

¹ ***Citation from Metropolitan Code of Laws***

2.104.020 Urban forester.

There shall be an urban forester of the metropolitan government. The urban forester shall be an employee of the department of codes administration, under the supervision of the zoning administrator. The urban forester shall be skilled and trained in the art and sciences of municipal arboriculture and shall possess the education and experience as provided in the job description for the position as adopted by the metropolitan civil service commission. The urban forester shall be responsible for administering the programs and policies set forth in this chapter, and may propose rules and regulations designed to carry out said duties and responsibilities. Such rules and regulations shall become effective after they are approved by the metropolitan planning commission and filed with the office of the metropolitan clerk. (Ord. 93-882 § 3, 1994)

Section 3. That the Metropolitan Code of Laws Section 17.24.060(F) shall be and hereby is amended by deleting the entire subsection and substituting the following language:
In addition to the requirements imposed by Sections 17.24.130 through 17.24.170 and Sections 17.24.180 through 17.24.240 of this Chapter, areas used for the temporary or permanent storage of inoperable or damaged vehicles shall be screened from properties zoned or policied residential and from public streets by means of an opaque fence or wall not less than six feet in height.

Section 4. That the Metropolitan Code of Laws Section 17.24.080(B)(2) shall be and hereby is amended by deleting the words "A hose attachment within two hundred feet of all landscaping;" and substituting the words "An outside hose attachment within one hundred feet of all landscaping;"

Section 5. That the Metropolitan Code of Laws Section 17.24.080 shall be and hereby is amended by deleting subsections 17.24.080(B)(3) and 17.24.080(B)(4) in their entirety.

Section 6. That the Metropolitan Code of Laws Section 17.24.100(H) shall be and hereby is amended by adding the following sentence at the end of said section:
All trees and shrubs required by this code shall be inspected within three years of initial planting.

Section 7. That the Metropolitan Code of Laws Section 17.24.110(D)(1) and 17.24.110(D)(2) shall be and hereby is amended by deleting said sections in their entirety and substituting the following language:
1. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.

Section 8. That the Metropolitan Code of Laws Section 17.24.110(D)(3) shall be and hereby is amended by renumbering said section 17.24.110(D)(2).

Section 9. That the Metropolitan Code of Laws Section 17.24.110(E)(1) shall be and hereby is amended by adding the following language at the end of said section:
The Urban Forester may propose rules and regulations governing and/or limiting excavation or trenching by duly constituted utilities in the tree protection zone. Upon the approval by the metropolitan planning commission of such rules and regulations pursuant to Metropolitan Code of Laws § 2.104.020, excavation and trenching in the tree protection zone shall be permitted only pursuant to such rules and regulations.

Section 10. That the Metropolitan Code of Laws Section 17.24.120 shall be and hereby is amended by deleting the title "Prohibited trees" and substituting the title "Less desirable trees."

Section 11. That the Metropolitan Code of Laws Section 17.24.140 shall be and hereby is amended by adding a new subsection D with the following language:
Required parking area screening and landscaping shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement.

Section 12. That the Metropolitan Code of Laws Section 17.24.210(C) shall be and hereby is amended by deleting the word "Evergreen" from the first and third sentences.

Section 13. That the Metropolitan Code of Laws Section 17.24.210(C) shall be and hereby is amended by adding the following language after the first sentence:
At least one-half of the required shrubs shall be locally adapted evergreen species."

Section 14. That the Metropolitan Code of Laws Section 17.24.210(D) shall be and hereby is amended by deleting the entire subsection and substituting the following language:
Utility and Drainage Easements. Required landscape buffer yards shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement.

Section 15. That the Metropolitan Code of Laws Figures 17.24.240A through 17.24.240D shall be and hereby are amended by adding the following language at the bottom of each figure:
All examples are per 100 linear feet.

Section 16. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by deleting A-4.

Section 17. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-1 from "20'" to "15'."

Section 18. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-2 from "15'" to "10'."

Section 19. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-3 from "10'" to "5'" and by adding "(With Opaque Fence)."

Section 20. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by deleting B-4.

Section 21. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-1 from "25'" to "20'."

Section 22. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-2 from "20'" to "15'."

Section 23. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-3 from "15'" to "10'."

Section 24. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by deleting C-4.

Section 25. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-1 from "35'" to "30'."

Section 26. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-2 from "30'" to "25'."

Section 27. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-3 from "25'" to "20'."

Section 28. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by deleting D-4.

Section 29. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-1 from "60'" to "50'."

Section 30. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-2 from "50'" to "40'."

Section 31. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-3 from "40'" to "30'."

Resolution No. 2001-364

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-008T is **APPROVED (8-0) with two housekeeping amendments:**

The basic effect of the proposed changes is to improve the prospects for trees that are to be retained, improve the prospects for required trees and shrubs that are to be planted, and clarify the language of certain existing requirements. Two housekeeping amendments are recommended. The first amendment clarifies the screening requirements for auto salvage yards (from public streets and from properties zoned or within a residential land use policy). The second amendment reduces the widths of most landscape buffer yards by five (5) feet, and reduces the width of the most intensive buffer yard ("Standard D") by ten (10) feet. This change slightly reduces buffer widths while requiring the same amount of tree and shrub plantings (per 100 linear feet). This will result in a more densely planted buffer and will reduce the number of buffer options from 19 to 16, thought by the tree advisory committee to be a more manageable number. The text change also should be amended to call for the renumbering of landscape buffer yard B-5 to B-4, C-5 to C-4, and D-5 to D-4. It should also be amended to call out corrections to the figures cited in the notes at the bottom of Figures 17.24.240B, .240C, and .240D that refer to those buffer yards that are permitted only in the Urban Zoning Overlay District. (Sections 16 through 31)."

5. 2001Z-009T Zoning Permit

A request to amend Section 17.40.520 of the Zoning Ordinance by requiring any individuals or entities seeking to construct or alter any structure or initiating a change in a property's use must file an application for a zoning permit with the Codes Department, requested by the Metropolitan Legal Department.

Staff recommends approval.

This request is to amend Section 17.40.520 of the Zoning Ordinance relating to zoning permits and certificates of compliance. This section currently requires a landowner to make an application at the Codes Department for a zoning permit prior to starting any construction, alteration to a building, or change in use on a property. A zoning permit is the actual written document issued by the Zoning Administrator verifying that proposed changes comply with the zoning regulations. The old Ordinance required the landowner to apply for and receive a permit before changing a property's use. The proposed text amendment will allow any person or entity to make an application for the zoning permit. This text amendment was requested by the Metro Legal Department in response to lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. In one case, the owner could not be found and the ordinance did not allow for going after the operator so Metro lost the case. Staff recommends approval, as this amendment will allow an injunction to be issued against both the owner and the operator.

The proposed text changes are shown below with new text in bold and deleted text with a strikethrough:

17.40.520 Applicability.

~~The landowner is required to file~~ An application for a zoning permit must be filed with the zoning administrator prior to any person or entity commencing any construction or alteration of a structure or initiating a change in use on the property. No building permit shall be issued except upon presentation of a valid zoning permit. (Ord. 96-555 § 10.12(A), 1997)

Resolution No. 2001-365

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-009T is **APPROVED (8-0)**:

This text amendment was requested by the Metro Legal Department in response to lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. When an owner cannot be found, this amendment would allow an injunction to be issued against both the owner and the operator."

6. 2001Z-010T Enforcement of Zoning Permit

A request to amend Section 17.40.600 of the Zoning Ordinance by authorizing the Zoning Administrator to act immediately regarding violations of Title 17 of the Metropolitan Code which concern the public health, safety, and welfare of the citizens of Davidson County, Tennessee and to notify the landowner or the operator as to violations of Title 17 of the Code, requested by the Metropolitan Legal Department.

Staff recommends approval.

This request is to amend Section 17.40.600 of the Zoning Ordinance relating to the enforcement and notification requirements by the Zoning Administrator for violations to the Zoning Ordinance. This section currently allows the Zoning Administrator to notify the owner/operator to immediately correct any violation that is found. The proposed text would allow the Zoning Administrator to issue the notification to the owner or the persons or entities determined to be in violation. It also removes the necessity to give the violator time to correct the violation after notice of the violation. This was necessary because it was determined that it may not currently be possible to fine violators until they are given time to correct the violation. The current language also inhibits an immediate injunction against the establishment. The Zoning Administrator already has authority to enforce Metro ordinances pursuant to Section 17.40.590. This section says "the Zoning Administrator is responsible for the enforcement of all provisions of this title and is authorized to stop work that has commenced without obtaining a required zoning permit or is otherwise not in keeping with an approved final site plan or zoning permit."

Metro Legal requested this text amendment after several lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. Staff recommends approval, as this amendment will give the Zoning Administrator the ability to act immediately to stop the known violation.

The proposed text changes are shown below with new text in bold and deleted text with a strikethrough: 17.40.600 Notification.

If the zoning administrator has reason to believe that there is a violation of this title, the owner/operator or the persons or entities determined to be in violation by the zoning administrator shall be notified. ~~to immediately correct the violation.~~ If necessary, governmental agencies or independent experts may be retained to perform tests to determine the existence and extent of a violation, with all associated costs assessed to the owner/operator or the persons or entities determined to be in violation if a violation is verified. ~~Failure to correct violations within a reasonable time authorizes the zoning administrator to take all necessary measures to enforce the provisions of this title.~~ (Ord. 96-555 § 10.13(B), 1997)

Resolution No. 2001-366

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-010T is **APPROVED (8-0)**:

This text amendment was requested by the Metro Legal Department in response to lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. The amendment allow the Zoning Administrator to issue the notification to the owner or the persons or entities determined to be in violation. It removes the necessity of giving the violator time to correct the violation after notice of the violation."

FINAL PLAT SUBDIVISIONS

13. 2000S-264G-14

Andrew Jackson Business Park, Phase 1,
Resubdivision of Lots 12-14 and Lot 1
Map 64-15, Parcel 13
Subarea 14 (1996)
District 11 (Brown)

A request for preliminary plat and final plat approval for 12 lots abutting the western terminus of Jackson Meadows Drive, approximately 750 feet west of Andrew Jackson Parkway (8.65 acres), classified within the CS District, requested by Ben Doubleday, owner/developer, Dale and Associates, surveyor.

Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities.

This request for a revised preliminary plat and final plat approval was originally scheduled for the July 5th Commission meeting, but was deferred indefinitely pending a mandatory referral to abandon the right-of-way at the terminus of Jackson Meadows Drive. Ordinance No. BL2001-749 became effective on July 31, 2001, to abandon the excess right-of-way. The plat is for 12 lots on 8.65 acres within the CS district.

The Planning Commission approved the preliminary plat on August 31, 2000. The lots on the preliminary plat range in size from 17,000 to 44,000 square feet. This request differs from the original preliminary in that it seeks approval for 12 lots on 8.65 acres rather than 10 lots on 7.13 acres. The lot sizes are relatively the same, ranging from 16,000 to 50,000 square feet. Both Public Works and Water Services have approved the plat and have recommended bond amounts for the extension of roads and sidewalks. Cumberland Utility

has issued the bond amount for the extension of public utilities. Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities.

Resolution No. 2001-367

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-264G-14, is **APPROVED WITH CONDITIONS, SUBJECT TO A BOND FOR EXTENSION OF ROADS, SIDEWALKS, AND PUBLIC UTILITIES (8-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

19. 188-84-G-12

Century City South
Map 182, Parcels 46 and 99 and Part of Parcels 45 and 98
Subarea 12 (1997)
District 31 (Knoch)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial and Residential Planned Unit Development Districts located abutting the west margin of Old Hickory Boulevard, southwest of Interstate 24, (24.6 acres being revised), classified within the CS, R8, and R20 districts, to permit the addition of 54,200 square feet for two new restaurants, a gas/convenience market and a 43,000 square foot, 93 room hotel to the approved plan containing 1,048,000 square feet of retail, restaurant, hotel, office and 1,974 residential units, requested by Barge, Waggoner, Sumner and Cannon, for B. F. Enterprises, Inc., owner. (Deferred at the meeting of 7/19/01)

Staff recommends conditional approval.

This request was deferred by the applicant from the July 19, 2001 meeting in order to allow time for the Stormwater Management Appeals Committee to consider a variance for the relocation of a small stream on this site. The Committee has approved that variance. This request is to revise a portion of the preliminary plan and for final approval for a phase of the Commercial/Residential Planned Unit Development located abutting the west margin of Old Hickory Boulevard, southwest of Interstate 24, to permit the addition of two new restaurants with 5,600 square feet, and 1,800 square feet, a 3,600 square foot gas/convenience market, and a 43,000 square foot, 93-room hotel. The proposed additions are located on the south portion of the PUD at the entrance on Old Hickory Boulevard. There was previously no development plan for this portion of the PUD, other than the access road into the PUD. Although these additions bring the total square footage of the PUD to 1,102,200 square feet, it does not increase the square footage by more than 10% of what was last approved by the Metro Council. The remainder of the undeveloped PUD will still consist of 1,048,000 square feet of retail, restaurant, hotel, office and 1,974 residential units. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting.

Resolution No. 2001-368

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 188-84-G-12 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL FOR SECTIONS 12, 13, 14 AND 15 (8-0).** The following conditions apply:

1. Prior to the issuance of any building permit, 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 building permits, the recording of a subdivision plat upon the posting of a bond for all off site public improvements.
3. **This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.**
4. **The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.**
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission. 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. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia "BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 188-84-G-12 is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL PUD APPROVAL FOR SECTIONS 12, 13, 14 AND 15 (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, 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 building permits, the recording of a subdivision plat upon the posting of a bond for all off site public improvements.
3. **This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.**
4. **The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.**
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission. 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. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation."Cablevision be contacted for coordinating their cable installation."

20. 75-87-P-01
 River Glen Subdivision
 Map 52, Parcel 2
 Subarea 14 (1996)

District 15 (Loring)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the west margin of Lock Two Road and the eastern terminus of Penn Meade Way, (11.26 acres), classified within the RS10 district, to permit the development of 60 single-family lots, requested by Civil Site Design Group, for Julius Doochin, owner.

Staff recommends conditional approval.

This request is for final approval for a portion of the Residential PUD district located at the western end of Lock Two Road, to permit the development of two phases including 60 single-family lots and units. Phase 3, Section 1 includes 20 single family lots, while Phase 5 includes 40 single-family units that will be developed as part of a horizontal property regime. This is consistent with the original preliminary PUD plan approved by Council in 1987. The proposed plan maintains the same lot configuration and access locations as were approved on the preliminary PUD plan on July 19, 2001. This plan provides three public street connections to existing stub-out streets built in previous phases. The proposed plan includes internal sidewalks on both sides of the street. A future phase includes a sidewalk along a portion of Lock Two Road that will connect this development to Lock Two Park at the northern end of the road. Since there is a severe grade difference between the development area and Lock Two Road, a pedestrian bridge will be built by the developer in Phase 6 to provide a pedestrian connection to the sidewalk on Lock Two Road. Staff recommends conditional approval provided Public Works approves the grading and drainage plans and Water Services approves the plan prior to the Planning Commission meeting.

Traffic

A traffic impact study (TIS) was prepared for the PUD revision approved in July 2001, analyzing the project entrances and the intersection of Lock Two Road and Pennington Bend Road. The TIS concludes that this intersection will operate acceptably without new turn lanes or a traffic signal. However, the TIS recommends that Pennington Bend Road and Lock Two Road be restriped to designate travel lanes, as well as a stop bar on Lock Two Road to accommodate the “skewed” intersection. The PUD will be conditioned

Resolution No. 2001-369

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 75-87-P-01 is given **CONDITIONAL FINAL APPROVAL FOR A PORTION (8-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, 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 building permits a final plat shall be recorded, including the posting of a bond for any necessary public improvements.
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. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation.
5. The sidewalk and pedestrian connection to and along Lock Two Road shall be constructed by the developer prior to the completion of Phase 6.”

MANDATORY REFERRALS

21. 2001M-071U-04

Council Bill No. BL2001-784
Brush Hill Road Property Sale
Map 61-4, Parcel 42
Subarea 5 (1994)
District 8 (Hart)

A council bill to sell a portion of a remnant parcel containing .11 acres of land located at Brush Hill Road (unnumbered), adjacent to Briley Parkway to the State of Tennessee Department of Transportation, classified within the RS20 district, requested by the Public Property Administrator.

Staff recommends approval.

This council bill is to sell a portion of a remnant parcel containing .11 acres of land located at Brush Hill Road (unnumbered), adjacent to Briley Parkway to TDOT. The property is zoned RS20 district. The state is purchasing this property for Briley Parkway's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-370

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-071U-04 is **APPROVED (8-0)**."

22. 2001M-072U-04
Chadwell Drive Property Sale
Map 51, Parcel 5
Subarea 4 (1998)
District 3 (Nollner)

A request to sell a portion of a remnant parcel containing .72 acres of land at Chadwell Drive (unnumbered), adjacent to I-65 to the State of Tennessee Department of Transportation, classified within the RS20 district, requested by the Public Property Administrator.

Staff recommends conditional approval.

This request is to sell a portion of a remnant parcel containing .72 acres of land at Chadwell Drive (unnumbered), adjacent to I-65 to TDOT. The property is zoned RS20 district. The state is purchasing this property for I-65's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-371

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-072U-04 is **APPROVED (8-0)**."

23. 2001M-073U-05
Council Bill No. BL2001-783
Tanglewood Drive Property Sale
Map 61-4, Parcel 25.02
Subarea 5 (1994)
District 8 (Hart)

A council bill to sell a remnant parcel containing .16 acres of land at Tanglewood Court (unnumbered), adjacent to Briley Parkway to the State of Tennessee Department of Transportation, classified within the RS20 district, requested by the Public Property Administrator.

Staff recommends conditional approval.

This council bill is to sell a remnant parcel containing .16 acres of land at Tanglewood Court (unnumbered), adjacent to Briley Parkway to TDOT. The property is zoned RS20 district. The state is purchasing this property for Briley Parkway's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-372

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-073U-05 is **APPROVED (8-0)**."

- 24. 2001M-074U-13**
Currey Road Bridge and Approach
Map 120, Parcel 23
Map 120-9, Parcels 51 and 52
Subarea 13 (1996)
District 13 (Derryberry)

A request to acquire a 20 foot easement for a sewer line extension and manhole relocation for the Currey Road Bridge and Approach project (Project Nos. 01-SG-87 and 01-WG-81), requested by Metro Water Services.

Staff recommends conditional approval.

This request is to acquire a 20 foot easement for a sewer line extension and manhole relocation along the frontage of three properties located on Currey Road. The easement will accommodate a 400 foot long 8" sewer line and a 174 foot long 4" sewer line. The easement is needed to complete the Currey Road Bridge and Approach project over Briley Parkway by TDOT and Metro Water Services (Project Nos. 01-SG-87 and 01-WG-81). Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

Resolution No. 2001-373

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-074U-09 is **APPROVED (8-0)**."

This concluded the items on the consent agenda.

Ms. Oglesby arrived at 1:15, at this point in the agenda.

PUBLIC HEARING

REDISTRICTING

- 1. 2000 Metro Council and School Board Redistricting Plans**

Mr. Lawrence presented the recommended plan for new Councilmanic and School Districts.

Staff recommends approval.

Staff recommended redistricting plans for Metro Council and School Board based on the new population data from the 2000 Census. Since beginning this process in June, the Planning Department has engaged in an open and participatory process on the design of the districts. We have contacted neighborhood groups, held five public meetings and provided information at Metro libraries and on the Metro web site. As a result, we have received hundreds of comments that have formed the foundation of the recommended plans. We have tried to incorporate as many of the comments into the recommended plans as possible.

The 2000 Census figures show that Nashville grew by slightly more than 59,000 people during the last decade. As a result, the new Metro Council Districts are required to have a target population of 16,283. With a maximum 5% variance, all council districts need to contain a population from 15,469 to 17,097. Metropolitan School Board Districts are required to have a target population of 63,321. With a maximum 5% variance, all school board districts need to contain a population from 60,155 to 66,487. The draft plan is founded on ensuring these parameters are met.

Beyond the absolute numbers, we have attempted to achieve several other objectives in the development of the recommended plans. We have focused on the use of designated neighborhood boundaries, neighborhood watch areas and other recognized neighborhood limits in the development of the recommended plans.

We specifically heard from numerous neighborhoods requesting that their neighborhoods be reunited or not split into more than one district. While not always able to achieve our goal, the plan does honor the overwhelming number of requests. The draft plan does accommodate the requests that we received from the Germantown, East Hills, Bellevue Area Citizens for Planned Growth, Woodbine, Glencliff, Hadley Park-Clifton Ave, Sylvan Park, Cherokee Park, Beacon Square Subdivision, Trimble Action Group, Radnor, Napier Area, South Nashville Action People, Richland-West End, Hillsboro-West End, Belmont Hillsboro, ReDiscover East, Nashboro Village, Marrowbone Preservation Society, and White Bridge Road neighborhood groups.

Natural features such as lakes, rivers or creeks and major transportation corridors, have been used whenever possible as district boundaries. The recommended plans recognize the racial diversity within Davidson County with 8 Metro Council and 3 School Board districts having a majority minority population makeup. The recommended plans minimize the placement of incumbent district council and school board members in the same district. The plan provides continuity while acknowledging changing demographic dispersal.

School Board districts within the recommended plan are based on Council districts. The recommended school board district plan combines proposed Council districts to form recommended School Board districts that have the same emphasis as discussed.

We are at the final step in the process of adoption of the new district plans as required by the Metro Charter. Following the adoption of the recommended plans and any amendments, an ordinance with redistricting boundaries will be filed with the Metro Clerk. This must take place no later than August 28, 2001. In September, the Metro Council will act on the ordinance. If approved, the new boundaries will take effect with the 2003 Metro Council and School Board election. If rejected, the Metro Council will present the recommended plan to a countywide referendum within 90-days.

You have been provided with the recommended countywide Metro Council and School Board maps together with a detailed map of council and school board districts and population information on the recommended districts.

We have developed the recommended redistricting plans through as open a process as possible. We encouraged and received input and comments from the Commission, elected officials as well as from the community at large. Amy McAbee-Cummings, Anita McCaig and Jennifer Higgs in particular have worked tirelessly to develop the recommended plans. Plans that I strongly believe balance the issues and interests of the community. The entire community owes a great debt of gratitude to them for their hard work.

Councilmember Brenda Gilmore thanked planning staff for having the entire process open to Councilmembers and to the public. She stated her preference was not for the divisions to go from county line to county line because that would make it very difficult to manage such a large area as a Councilmember. She added that any of the plans are acceptable are acceptable to her. Her preference is either Alternate A or Alternate B because of the smaller landmass, but both have advantages and disadvantages.

Councilmember-At-Large Leo Waters complimented staff on their efforts regarding their redistricting process. The Joelton neighborhood has a sense of community, needs remain as a community, and be kept intact. Alternate B preferred is by a huge majority of the Joelton community.

Mr. Wayne Winters, Joelton stated he prefers Alternate Plan B, but that is not what was presented by staff today. He complained about the plans changing so quickly and so often.

Mr. Bernhardt stated the recommended plan is what was printed in the newspaper and provided to the Planning Commission prior to the meeting. After the recommended plan was published there were comments from Councilmembers and citizens that staff took under consideration, and that is why Alternatives have been provided.

Mr. Steve Henry, Vice President of the Marrowbone Foundation Society, stated they liked the original recommended plan. He asked his community be kept intact.

Mr. Jim Midgett, President of the Joelton Neighborhood Association, stated he favors the original Alternate Plan B. The plan presented by staff today would take his home and many Joelton landmarks out of Joelton.

Mr. Derrick Osborne, President of Marrowbone Preservation Society, asked the Commission not split the Joelton community.

Mr. Chris Kantazaro, President of Woodland and Waverly Neighborhood Association, stated he was not representing the association. It is in the best interest of the 17th District that that neighborhood be as compact as possible and that he favors Alternative C.

Ms. Holly Rein stated she favors the Alternative B.

Ruth Gorney, Ingelwood, member of the Riverwood Neighborhood Association, stated the association would be split up as the lines are drawn now, and that she favored Alternative E.

Mr. Tim Garrett, State Legislature, stated he was present to support keeping Joelton as one community.

An unidentified man stated he was in favor of the Alternative B.

Councilmember Ludy Wallace complimented Mr. Bernhardt, the Commission and staff for including the community and Council in their process. He stated he was in favor of the recommended plan or Alternative A, which included 8 predominately minority districts.

Ms. Cindy Blackwell, Joelton, stated minority groups or race has nothing to do with dividing up the districts. There is nothing in the Metropolitan Charter that says there has to be 8 black districts.

Mr. John Stern, representing the Executive Board of the Nashville Neighborhood Alliance, praised staff and the Commission for involving the community.

Mr. Lawrence read letter from Mr. John Rumble, a Bellevue resident, that asked for an adjustment between the 22nd and 23rd Districts, and that he favored Alternative D.

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

Mr. Clifton stated this process was a tremendous effort from staff and that he hoped the people present understand the thousands of inputs staff has received.

Small stated that what impressed the Commission about Rick Bernhardt when they were searching for a new director was his belief that efforts should be made to involve communities and neighborhoods. He stated it was rational for Joelton community to want to stay together, but that it would be difficult.

Ms. Jones stated she has lived in a neighborhood represented by 2 Councilmembers for some time, that it is really not so bad actually and sometimes is beneficial. The Joelton Community will not change. The subarea plan will keep community together.

Councilmember Ponder stated the Tulip Grove community is split right down the middle, and that when he gets calls regarding Councilmanic matters he has to ask which side of the road they live on. He said there had been 200 neighborhoods represented and there had been over 500 comments from the Joelton area. He asked if there were any diverse problems with alternative B.

Mr. Bernhardt stated the numbers work in Alternative B. Councilmembers Majors, Black and Gilmore provided comments and that provided the opportunity to offer Alternative A. Nashville is a very diverse community and Alternative A was not divided up by minorities.

Councilmember Ponder moved and Mr. McLean seconded the motion, which carried unanimously to approve the plan as presented with Alternatives B, C, D and E, and to approve the following resolution:

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES the **2000 Metro Council and School Board Redistricting Plan** with Alternatives B, C, D and E.” (9-0)

RESOLUTION NO. 2001-374

A RESOLUTION APPROVING, ADOPTING AND RECOMMENDING FOR SUBMISSION TO THE METROPOLITAN COUNCIL A PLAN FOR REDISTRICTING THE COUNCILMANIC DISTRICTS OF THE METROPOLITAN GOVERNMENT AND REVISING THE SCHOOL DISTRICTS PURSUANT TO ARTICLE 18, SECTION 18.06 OF THE METROPOLITAN CHARTER

WHEREAS, Article 18, Section 18.06 of the Charter of the Metropolitan Government of Nashville and Davidson County, provides in part, as follows:

Within six (6) months after the decennial census of 1970 and each one thereafter is published by the United States Census Bureau showing the population in the area of the metropolitan government, it shall be the duty of the planning commission to recommend to the council whether redistricting of the councilmanic districts is necessary to prevent substantial underrepresentation of

particular areas as the result of population changes. If the planning commission shall recommend that redistricting is necessary, it shall also submit a proposed ordinance designed to accomplish its recommendation. Such ordinance shall also revise the school districts to the extent, if any, that may be deemed necessary. The council shall not amend, but may adopt without change such proposed ordinance. Upon approval thereof by the mayor, or passage over his veto, redistricting shall be accomplished and district councilmen shall be elected accordingly at the next general metropolitan election;

and

WHEREAS, the decennial census of 2000 was published on March 22, 2001 by the United States Census Bureau showing substantial underrepresentation of certain areas of the Metropolitan Government;

and

WHEREAS, in order to avoid substantial underrepresentation of certain areas of the Metropolitan Government and to conform with the mandate of the United States Supreme Court, it is incumbent upon the Planning Commission, pursuant to Section 18.06 of the Charter of the Metropolitan Government of Nashville and Davidson County, to recommended redistricting of the councilmanic districts; and

WHEREAS, the Metropolitan Government's Department of Planning, under the direction of the Executive Director, has effected a plan redistricting the Metropolitan Councilmanic Districts pursuant to Section 18.06 of the Charter, applicable State laws and in conformity with the mandate of the United States Supreme Court, and said plan has been described both by metes and bounds and by pictorial map, as hereinafter set forth; and

WHEREAS, Article 18, Section 18.06, of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, states that at the same time that there is a redistricting of the councilmanic districts that there shall also be a revision of the school districts to the extent, if any, that it may be deemed necessary; and such revision is so deemed necessary; and

WHEREAS, the Metropolitan Government's Department of Planning, under the direction of the Executive Director, has also effected a plan for revision of the school districts pursuant to Section 18.06 of the Charter, applicable State laws and in conformity with the mandate of the United States Supreme Court, and said plan has been described both by metes and bounds and by pictorial map, as hereinafter set forth; and

WHEREAS, on August 16, 2001, at its regular meeting, the Metropolitan Planning Commission approved, by unanimous vote of the nine (9) members present, the plan for the redistricting of the Councilmanic Districts and the plan for the revision of the school districts as described herein below;

BE IT RESOLVED BY THE METROPOLITAN PLANNING COMMISSION:

Section 1. Councilmanic Districts.

That it does hereby approve, adopt and submit to the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee, a plan for the redistricting of the Councilmanic Districts, and said plan has been described both by metes and bounds and by pictorial map, as hereinafter set forth, the original to be filed with the Metropolitan Clerk, and a true copy to be filed with the Metropolitan Planning Commission, and a true copy being attached hereto.

Section 2. School Districts.

That it does hereby further approve, adopt and submit to the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee, a plan for the revision of the school districts, and said plan has been described both by metes and bounds and by pictorial map, as hereinafter set forth, the original to be filed with the Metropolitan Clerk, and a true copy to be filed with the Metropolitan Planning Commission, and a true copy being attached hereto.

Section 3. Effective Date.

That this Resolution take effect immediately upon its adoption and be attached to the proposed ordinance designed to accomplish the redistricting of the Councilmanic Districts and the revision of the school districts.

Vice Chairman Small left at 2:55, at this point in the agenda.

ZONING MAP AMENDMENTS

Ms. Regen introduced new members of the planning staff Mr. Lee Jones, Planner I and Mr. Marcus Hardison, Planner I.

7. 2001Z-057G-13
Council Bill No. BL2001-803

Map 109, Parcel 7
Subarea 13 (1996)
District 13 (Derryberry)

A council bill to rezone from R8 district to RM15 district property at 3535 Bell Road, approximately 925 feet north of Elm Hill Pike (4.87 acres), requested by Terry E. Keup et ux, appellants/owners. (Deferred indefinitely from the meeting of 6/27/01).

Mr. Leeman stated staff recommends conditional approval.

No Subarea Plan Amendment is required.

A traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods?
Please see Traffic note.

This request is to change 4.87 acres from R8 (residential) to RM15 (multi-family residential) district property at 3535 Bell Road, north of Elm Hill Pike. The current R8 district requires minimum lot sizes of 8,000 square feet and is intended for single-family and duplex residential uses at 4.6 dwelling units per acre. The proposed RM15 district is intended for multi-family dwellings at up to 15 dwelling units per acre. With RM15 zoning, 73 units would be permitted on this site.

Staff recommends conditional approval of this request with the condition that the developer of this site be responsible for the construction of a center-turn lane on Bell Road from the approved center-turn lane at Lincoya Bay Drive to the project entrance. Although this property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for residential dwellings at up to 9 dwelling units per acre, there are several existing and approved multi-family developments along the east side of Bell Road that have already established a pattern of more than 9 dwelling units per acre, as noted in the Subarea Plan. The Lakes PUD on Lincoya Bay Drive (parcels 12 and 223) was approved for 480 multi-family units at 12.20 units per acre, while another residential PUD was approved in 1983 for 248 apartment units at 13 units per acre. The Lakes-West PUD (parcel 8) was given final PUD approval in October 2000 for 44 multi-family units at a density of 10.7 units per acre. These properties are all surrounded by Corp of Engineers property and will not easily expand beyond this small pocket north of Elm Hill Pike near the lake.

Traffic

The Metro Traffic Engineer has indicated that Bell Road should be widened from Lincoya Bay Drive to the project entrance, a distance of approximately 730 feet, to provide a center-turn lane for access to this site. This is required due to safety concerns that will be created from more multi-family units at this location. A traffic impact study (TIS) was prepared which indicated that there is sufficient site distance to allow a driveway on Bell Road at this location.

Schools

A multi-family development at RM15 density could generate approximately 11 students (5 elementary, 3 middle, and 3 high school). Hickman Elementary is currently over capacity, while McGavock High School has sufficient capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

Mr. Michael Link spoke in opposition to the project and stated the surrounding lots are wooded lots and this property is not suitable for condos. It will depreciate property value, is not safe because of the curve in the road, and it would be a spot development.

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

Mr. Clifton asked if this was contrary to the subarea plan to have this many units.

Ms. Hammond stated there was a slight conflict between the zoning and the subarea plan map.

Mr. Leeman stated the text of subarea plan talks about this area and says that it could go to a higher density because it is surrounded by the Corp of Engineers property.

Mr. McLean expressed concern for the surrounding residential homeowners and asked if the requirement to have the road widened to 750 feet was excessive.

Mr. Leeman stated that was a recommendation from the Metro Traffic Engineer.

Mr. Bernhardt stated the Commission could recommend all 4 parcels be rezoned if they felt this was out of place.

Mr. Oglesby stated she was concerned it is against subarea plan.

Ms. Nielson stated she felt this change is premature at this time.

Ms. Jones stated the applicant can legally construct this today with the allowed units and without fixing the roads, and that it would be better to have the road improvements.

Mr. Clifton moved and Councilmember Ponder seconded the motion, which carried with Ms. Jones in opposition, to approve the following resolution:

Resolution No. 2001-375

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-057G-13is **DISAPPROVED (7-1)**:

The four properties on the east side of Bell Road are currently zoned R8, which would allow a density of 4.6 dwelling units per acre with 25% duplex. The proposed RM15 district would allow 15 dwelling units per acre, or 73 multi-family units. Although the Subarea 14's Plan's Residential Medium (RM) policy calls for densities similar to those that exist in this pocket between Percy Priest Lake and Bell Road, strictly interpreted, the policy only supports 4 to 9 dwelling units per acre. Therefore, since the RM15 would permit densities that exceed 9 dwelling units per acre, the RM15 zoning is inconsistent with the RM policy."

Oglesby left at this point in the agenda -3:25

8. 2001Z-072G-02
Council Bill No. BL2001-800
Map 41, Part of Parcel 76 (15.65 acres)
Subarea 2 (1995)
District 3 (Nollner)

A council bill to rezone from RS20 district to AR2a district a portion of property at 3711 Dickerson Pike at the western terminus of Tuckahoe Drive (15.65 acres), requested by Sector South Services, for Harold Reasonover, Shirley Boyd, and Judy King, owners.

Mr. Leeman stated staff recommends disapproval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This request is to change 15.65 acres from RS20 (residential) to AR2a (agricultural) district. The existing RS20 district is intended for single-family at 1.85 dwelling units per acre. The proposed AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The applicant is requesting this zone change to accommodate an assisted-care living development. The AR2a district allows assisted-living, whereas, the RS20 district does not. The AR2a district allows for 7.82 dwellings or 24 assisted-living units.

Staff recommends disapproval of the proposed AR2a zoning. This property falls within the Subarea 2 Plan's Residential Low (RL) policy. The RL policy calls for residential development within a density range of up to 2 dwellings per acre. The plan intends for this area to develop in a single-family pattern. The existing RS20 district is consistent with the plan and implements it. The proposed AR2a district would allow for uses not necessarily compatible with existing Kemper Heights subdivision that surrounds this property, including agricultural activities, a camp, a construction/demolition landfill, kennels, stables, and mineral extraction uses.

Ms. Sue Morris stated an assisted living facility would be good, but that she was concerned because that zoning would also allow for mobile homes. She said the neighbors and the developer had reached a compromise because he had agreed to deed restrictions.

Chairman Lawson stated the Commission cannot control or deal with deed restrictions.

Mr. Jason Dill, applicant, stated he agreed to the compromise and asked for approval.

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

Mr. Cochran stated it is likely the RS20 will never be developed with those existing trailers next door. This would be a good way to utilize the property.

Mr. Clifton stated he would not be opposed for some rezoning for it to something else, but not this proposal. He stated he was opposed.

Mr. McLean stated the RS20 is inconsistent, but it could be changed to RS10.

Ms. Jones stated she had a real problem rezoning anything to agriculture in this area.

Councilmember Ponder moved and Ms. Jones seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-376

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-072G-02 is **DISAPPROVED (7-0)**:

The existing Subarea 2 Plan's Residential Low (RL) policy calls for residential development within a density range of up to 2 dwellings per acre. However, the plan intends for this area to develop in a single-family pattern. The existing RS20 district is consistent with the plan and implements it. The proposed AR2a district would allow for uses not necessarily compatible with existing Kemper Heights subdivision that surrounds this property, including agricultural activities, a camp, a construction/demolition landfill, kennels, stables, and mineral extraction uses."

Map 91-14, Parcel 48
Subarea 7 (2000)
District 22 (Hand)

A request to change from R8 district to CS district property at 5620 O'Brien Avenue, west of Midland Avenue (0.17 acres), requested by Thomas Neely for Ruby Neely, owner.

Mr. Leeman stated staff recommends disapproval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhoods.

This council bill is to change 0.17 acres from R8 (Residential) to CS (Commercial Service) at 5620 O'Brien Avenue. The current R8 district allows for residential single-family and duplex at 4.63 dwelling units per acre. The proposed CS district is intended to provide opportunities for a diverse range of commercial uses, including auto repair, warehouse, car wash and auto sales.

The applicant is requesting this zone change to accommodate an auto repair shop located in a residential area. The owner was cited with a 30-day abatement of business order on June 20, 2001 by the Department of Codes and Administration. This abatement was enacted by a complaint from a neighbor. The application for this property was submitted to bring the usage into compliance with Metro's Zoning Ordinance.

Staff recommends disapproval of the CS zoning since this property is located within a stable, affordable residential neighborhood. While the Subarea 7 Plan shows this area within a CMC (Commercial Mixed Concentration) district, which is intended for a variety of intensively developed non-residential uses, the neighborhood is predominantly residential except for properties fronting Charlotte Pike. The Subarea 7 Plan did not call for the total removal of this residential area in order to strengthen the commercial area. There are other locations within this vicinity along Charlotte Pike that would be better suited for this auto repair use.

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. 2001-377

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2001Z-086U-07 is **DISAPPROVED (7-0)**:

This property is located within a stable, affordable residential neighborhood. While the Subarea 7 Plan shows this area within a CMC (Commercial Mixed Concentration) district, which is intended for a variety of intensively developed non-residential uses, the neighborhood is predominantly residential except for properties fronting Charlotte Pike. The Subarea 7 Plan did not call for the total removal of this residential area in order to strengthen the commercial area. There are other locations within this vicinity along Charlotte Pike that would be better suited for the auto repair use that is currently been cited for operating illegally."

11. 2001Z-088U-11
Map 105-6, Parcels 251 and 328
Map 105-7, Parcels 66, 68-70, 72, and 77-80
Subarea 11 (1999)
District 19 (Wallace)

A request to change from IR and IWD districts to IG district 11 properties at 706 Merritt Avenue and 500, 508, 510, 512-517, and 519 Hagan Street (2.35 acres), requested by Allen Dawson for B and A Truck Sales and Service, Inc., owner.

Ms. Regen stated staff recommends disapproval.

No Subarea Plan Amendment is required.

No traffic impact study is required to analyze project impacts on nearby intersections and neighborhood.

This request is to change 2.35 acres from IR (industrial-restrictive) and IWD (industrial warehousing/distribution) to IG (industrial general) for 11 properties located on Hagan Street and Merritt Avenue. The current IR district allows for a wide range of light-manufacturing uses at moderate intensities; the current IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses, while the IG district is intended for a wide range of intense manufacturing uses, including a scrap operation. The applicant, B&A Truck Sales, has indicated that this request is being made since they have been sited by the Codes Department for operating an illegal truck scrap operation. They have also been informed by the State of Tennessee that they must obtain a Dismantler and Recycler license. The applicant cannot obtain the license from the State without demonstrating compliance with local ordinances.

The Zoning Ordinance defines “scrap operation” as the storage, processing, and/or sale, from the premises, of used or waste material. The applicant has indicated that they have operated from this location for over 20 years and have only recently been cited as not being in compliance with the zoning requirements. However, they have indicated that the portion of the business dealing with dismantling trucks for scrap is a more recent endeavor. Staff has researched the situation and found permits have been issued by the Codes Department for truck sales, truck repair, storage, and wrecker service uses, which are in compliance with the current zoning, but not for a scrap operation use. The Board of Zoning Appeals approved a conditional use permit to allow a scrap operation on an adjacent property (parcel 250) in 1981, but not on this property.

Staff recommends disapproval of the proposed IG district. Although this property falls within the Subarea 11 Plan’s Industrial and Distribution (IND) policy, calling for a wide range of industrial uses, it is adjacent to a Mixed-Use (MU) policy area. The Subarea 11 Plan’s IND policy was applied in recognition of existing industrial development in the area. This industrial policy area shares a border with the residential neighborhood to the east and a mixed-use area to the north and west. The Subarea 11 Plan recommends that the types of uses in the IND area, particularly those east of the railroad tracks, have minimal negative impact on surrounding residential uses. IG zoning would move this area to the most intensive industrial zoning district, while the long-term intent of the subarea plan would be not to intensify the existing industrial areas.

Allan Dawson, applicant, spoke in favor of the proposal and stated he bought this property to operate a small salvage operation. State approved it but Metro will not. Doing same thing always done.

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

Councilmember Ponder stated he was opposed because this went against the subarea plan.

Mr. McLean questioned why he wasn’t grandfathered in since he had been in operation for such a long time.

Ms. Regen stated the applicant had no proof that he had been doing this same business in this location for as many years as he claims. If proof were to be presented to the Codes Department operation could resume.

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

Resolution No. 2001-378

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-088U-11 is **DISAPPROVED (7-0)**:

Although this property falls within the Subarea 11 Plan's Industrial and Distribution (IND) policy, calling for a wide range of industrial uses, it is adjacent to a Mixed-Use (MU) policy area. The Subarea 11 Plan's IND policy was applied in recognition of existing industrial development in the area. This industrial policy area shares a border with the residential neighborhood to the east and a mixed-use area to the north and west. The Subarea 11 Plan recommends that the types of uses in the IND area, particularly those east of the railroad tracks, have minimal negative impact on surrounding residential uses. IG zoning would move this area to the most intensive industrial zoning district, while the long-term intent of the subarea plan would be not to intensify the existing industrial areas."

Mr. Bernhardt left at this point in the agenda at 4:00

12. 2000P-002G-06
Council Bill No. BL2001-802
Bellevue Market Place
Map 142, Parcels 38, 39 and 42
Subarea 6 (1996)
District 35 (Lineweaver)

A council bill to amend the preliminary plan of the Planned Unit Development District located abutting the northeast corner of Bellevue Road and Old Harding Road (7.2 acres), classified within the CL district to permit the development of a 49,950 square foot retail building, replacing an undeveloped 10,100 square foot restaurant and patio, a 5,600 square foot convenience market and a 7,475 square foot restaurant, requested by Bill Forte of Barge, Cauthen and Associates, appellant, for Martha Richardson, owner.

Mr. Leeman stated staff recommends conditional approval.

This request is to amend the preliminary PUD plan for an undeveloped PUD located at the northwest corner of Old Harding Pike and Bellevue Road to permit a 49,950 square foot retail building with two tenant spaces (30,000 sq. ft. and 19,950 sq. ft.), replacing an undeveloped 10,100 square foot restaurant, a 5,600 square foot convenience market, and a 7,475 square foot restaurant. Council approved the original PUD plan in May 2000. The increase in square footage from 23,175 square feet to 49,950 square feet results in a 115% increase in square footage. Any increase over 10% of that last approved by the Metro Council requires a PUD amendment and further Council action. This means that the Planning Commission will make a recommendation to Council on this item.

The applicant has indicated that one of the tenant spaces will be for a small grocery store, while the other will be a general retail use. While this plan maintains two driveway access points on Bellevue Road, it increases the number of driveways from one to two on Old Harding Pike. The Metro Traffic Engineer has required, and the applicant has agreed to construct, a center-turn lane along the frontage of the property on Old Harding Pike.

The amended plan also provides a 10-foot buffer around the DeMoss family cemetery, as required by state law and as was shown on the original preliminary PUD plan. Staff recommends conditional approval provided Public Works, and the Traffic Engineer, approves the plan prior to the Planning Commission meeting.

Mr. Max Smith, residential adjoining property owner, stated he was opposed to this proposal because there would be dumpster pickup and trash pickup in the middle of the night. Also, the area residents were assured two nice restaurants would be put into this PUD, which didn't happen.

Mr. Gregg Tidwell, Mr. John Thrower, Ms. Leah Kennon, Mr. Thomas Potter, Ms. Carolyn Jordan and Ms. Lacy Pierce, area residents, stated they are proponents for responsible development, but were opposed to this project. They expressed concerns regarding the amount of square footage increase, being located in middle of residential district, increased traffic, the traffic pattern and safety.

Mr. Dan Barge III, applicant, presented the proposal and asked for approval. This proposal is for a local neighborhood grocery store and traffic would be comparable to the originally proposed restaurants. The tenants have committed to a 3 year lease.

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

Ms. Nielson stated the Commission struggled with this proposal in the past, now its back and that she was leery of changing it.

Ms. Jones stated this is the heart of Bellevue and needs charm and something established. In the future there may be a PUD amendment for this property but this is not the time. There are no dark restaurants in Bellevue like residents want, but 3 grocery stores have closed down within the past 2 years.

Ms. Jones moved and Councilmember Ponder seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2001-379

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-002G-06 is **DISAPPROVED (7-0).**”

FINAL PLAT SUBDIVISIONS

- 14. 2001S-150G-14**
Hermitage Commercial Center
Map 75, Parcels 15 and 100
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to subdivide two parcels into two lots abutting the northeast corner of Lebanon Pike and the CSX Railroad (2.79 acres), classified within the CS District, requested by Joe Sam Hurt, Sr., owner/developer, Littlejohn Engineering Associates, surveyor.

Ms. Regen stated staff recommends conditional approval subject to a bond for demolition of existing buildings, a variance for sidewalks along Hermitage Road, and a standard “C” landscape buffer yard added to the plat prior to recordation.

This request is for final plat approval to subdivide two parcels within the CS district into two lots on 2.79 acres abutting the northeast corner of Lebanon Pike and CSX Railroad. The current use of parcel 15 is retail. The buildings on this parcel are to be demolished, and a demolition bond will be required prior to plat recordation. The current use of parcel 100 is vacant commercial land. An auto parts dealer wishes to occupy Lot 1 of the subdivision, and an auto paint and body shop wishes to occupy Lot 2. There is an existing grassed median along Lebanon Pike that extends from the railroad tracks beyond the proposed lot

line. Public Works has approved a right-in/right-out access to Lot 2 since the existing median prohibits northbound traffic from turning into the site. A proposed detention pond along Hermitage Road will require traffic to enter both sites from Lebanon Pike.

A variance to Section 2-6.1 of the Subdivision Regulations requiring sidewalks is required for approval of this subdivision. In this case the staff feels that a variance is acceptable based on the fact that this property is unique and the conditions on which the request for a variance is based are not applicable generally to other property. Sidewalks are currently located along Lebanon Pike adjacent to this property, but there are no sidewalks along Hermitage Road. There is an established residential neighborhood to the north of this site that has no sidewalks and is accessed by Hermitage Road. Due to the detention pond's location along Hermitage Road and the fact that the neighborhood has no sidewalks, and is unlikely to be redeveloped in the future with sidewalks, a sidewalk at this location is not necessary.

A standard "C" landscape buffer yard must be added to the plat along the property line to the north which abuts the R10 district. The Zoning Ordinance requires a buffer yard between residential and commercial properties in order to minimize any potential adverse effects of noncompatible land uses. Staff recommends conditional approval subject to the addition of a buffer yard to the plat, a demolition bond for existing buildings, and a variance for sidewalks along Hermitage Road prior to recordation.

Chairman Lawson asked if there would be fees collected in lieu of sidewalks.

Ms. Regen stated yes there would be.

Councilmember Ponder stated this proposal is in Councilmember Stanley's district not his as captioned.

Ms. Regen stated staff would make that change.

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

Resolution No. 2001-380

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-150G-14, is APPROVED WITH VARIANCE FOR SIDEWALKS AND SUBJECT TO DEMOLITION BOND AND LANDSCAPE BUFFER YARD ADDED TO PLAT PRIOR TO RECORDATION (7-0)."

16. 2001S-235U-05

Underwoods Hart Lane Subdivision
Map 60-12, Parcel 111
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide one parcel into two lots abutting the southwest corner of Hart Lane and Jones Avenue (.67 acres), classified within the RS10 District, requested by Christy L. and Gregory W. Underwood, owners/developers, Ragan-Smith Associates, Inc., surveyor.

Ms. Regen stated staff recommends conditional approval subject to a variance for sidewalks along Jones Avenue and a revised plat prior to recordation.

This request is for final plat approval to subdivide .67 acres containing one parcel into two lots abutting the southwest corner of Hart Lane and Jones. Each lot complies with the RS10 district's minimum lot size of 10,000 square feet. Lot 1 contains an existing residence that will remain. An existing deck on the house encroaches into the rear setback, but since it is not an enclosed deck, it is permitted by the Zoning

Ordinance. Lot 2 has a private sewer easement that needs to be relocated on the plat prior to recordation. A private sewer easement cannot cross a public sewer easement as now shown on the plat.

The applicant is also requesting a variance to the sidewalk requirement of Section 2-6.1 of the Subdivision Regulations. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. In this case, however, the staff feels that a partial variance is acceptable. There are no existing sidewalks on Jones Avenue or Capitol View Drive, both of which are local streets. While a sidewalk does exist along that Lane, a sidewalk along Jones Avenue could represent a safety hazard due to the variation in street width necessary to accommodate a sidewalk. When a sidewalk is built along a street section with no sidewalk, the entire section of street is brought up to the current standard for street width and curb and gutter.

Staff recommends conditional approval subject to a variance for sidewalks along Jones Avenue and a revised plat prior to recordation showing the private sewer easement relocation.

No one was present to speak at the public hearing.

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

Resolution No. 2001-381

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-235U-05, is **APPROVED WITH VARIANCE FOR SIDEWALKS, AND AN EASEMENT ADJUSTMENT SHOWN ON PLAT PRIOR TO RECORDATION (7-0).**”

Ms. Regen stated she would like to include a performance bond as part of the conditional approval in item 14.

Ms. Nielson and Mr. Clifton agreed to amend their motion to include that performance bond, which carried unanimously.

PLANNED UNIT DEVELOPMENTS (revisions)

18. 134-84-G-06
Devon Hills
Map 142, Parcel 108
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of Hicks Road and the west margin of Old Hickory Boulevard, (32.01 acres), classified within the RS20 district, to permit the development of 3 single-family lots, where 3 single-family lots were approved, requested by Land Design, for Bill Kantz, owner.

Mr. Leeman stated staff recommends conditional approval with a variance for sidewalks and maximum lot size.

This request is to revise a portion of the preliminary PUD plan to permit the reconfiguration 3 single-family lots and for final approval for these three lots. The Planning Commission previously approved in January 1999, a request to revise the preliminary plan on this site to allow 3 single-family lots with variances to the maximum lot size, replacing 76 homes and townhomes. This plan reconfigures the three lots with Lot #1

(11.19 acres), Lot #2 (13.34 acres), and Lot #3 (7.47 acres) all requiring variances to the Subdivision Regulations for maximum lot size. With a base zoning of RS20, the maximum allowable lot size under the Subdivision Regulations would be 1.37 acres. Staff supports the variance to the maximum lot size since this plan preserves about 93% of the site in a natural state. With slopes of over 30% staff supports the variance to the maximum lot size since it will preserve a large portion of this sensitive area. With this revision, the applicant is also requesting a variance to the sidewalk standards of the Subdivision Regulations, which would now require a sidewalk along the 1,100 feet of frontage on Old Hickory Boulevard. The private driveway that serves the three lots would not require a sidewalk since it is not a public road.

Staff recommends approval of the proposed revision since it only makes minor changes to the lot configurations, and since a sidewalk along Old Hickory Boulevard will require significant blasting and grading. There is currently a steep cliff face fronting Old Hickory Boulevard with very little space between this and the road. This area provides a catch area for water coming off the cliff during wet weather, which prevents water and mud from flowing onto the road. Staff feels that it is important to maintain adequate drainage features in this area since it is located on a curved portion of Old Hickory Boulevard where safety is an issue.

The proposed shared driveway off Old Hickory Boulevard provides only a right-in/right-out access. A median runs down the middle of Old Hickory Boulevard in this area where access can come from only one direction—Highway 70 to the north.

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. 2001-382

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 134-84-G-06 is given **APPROVAL OF A PUD REVISION AND CONDITIONAL FINAL PUD APPROVAL WITH VARIANCES FOR SIDEWALKS AND LOT SIZE (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, written 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 building permits, a final subdivision plat shall be recorded and bonds shall be posted for any necessary public improvements.
3. Prior to the issuance of any building permit for any lot, a critical lot plan shall be submitted to the Planning Department for review and approval by staff and the Public Works Department.”

MANDATORY REFERRALS

25. 2001M-080U-09

Aerial Encroachment for The Stage at 412 Broadway
Map 93-6-3, Parcel 78
Subarea 9 (1997)
District 19 (Wallace)

A request is to encroach with a sign at 412 Broadway ("The Stage") 14' above the public sidewalk and measuring 12'0" in length, 2'2" in width, and 28'2" in total height above the sidewalk, requested by Robert J. Joslin of Joslin & Son Signs for Marianne W. Bingham, owner.

Ms. Regen stated staff recommends conditional approval.

This request is to permit an aerial encroachment for a sign at 412 Broadway (“The Stage”) 14 feet above the public sidewalk. The sign will measure 12 feet in length, 2’2” in width, and 28’2” in total height above the sidewalk. The applicant needs to submit a revised certificate of liability insurance with the “insured” identified as the tenant or property owner and not the sign company. Also, a revised license agreement to encroach over the right-of-way must be submitted signed by the property owner. Staff recommends approval subject to all reviewing agencies and departments recommending approval and submittal of the revised documents.

This has been reviewed by MDHA and the Historical Commission. MDHA did not approve the 12’ sign, but approved 10.1 encroachment. The Historic Commission not in favor because the sign is too large. They did agree to the 10’ sign.

Staff has changed their recommendation to approve 10.1.

Mr. Ruble Sanderson and Robert Joslin stated the sign had been changed to be 10.1 and stated the Ernest Tubb sign is over 11 feet.

Ms. Nielson moved and Mr. Cochran seconded the motion, which carried unanimously, to close the public hearing and adopt staff recommendation of 10.1:

Resolution No. 2001-383

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2001M-080U-09 is **DISAPPROVED (7-0) 12’0” encroachment and approved 10’1” encroachment.**"

OTHER BUSINESS

26. Legislative update

Councilmember Ponder provided an update on the current legislative of items previously considered by the Commission.

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:55 p.m.

Chairman

Secretary

Minute Approval:
This 30th day of August 2001

