

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: March 13, 2003
Time: 4:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Joe Sweat, Mayor's Designee
Victor Tyler

Absent:

Councilman John Summers
Douglas Small, Vice Chairman

Staff Present:

Richard C. Bernhardt, Executive Director
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Kim Karesh, Planner 2
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Abby Scott, Planner 1
Chris Wooton, Planning Technician 1

Others Present:

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

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

11. 2003Z-035U-05, Add Map 83-18 Part of Parcels 107, 105, 106, 110, 111, and 113-116.

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

APPROVAL OF MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meetings of February 13, and February 27, 2003.

RECOGNITION OF COUNCILMEMBERS

Councilman Bob Bogen asked if item 1. 2002Z-101U-06 would be deferred.

Ms. Hammond stated that was correct.

He stated he would not make any comments at this time.

Councilmember Eileen Beehan spoke in favor of item 11. 2003Z-035U-05.

OTHER BUSINESS:

1. Executive Director Reports

Mr. Bernhardt stated Jerry Fawcett, Planning Manager 2, would update the Commission on the Bedford Avenue and 31st Avenue Charrette process.

3. Legislative Update

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- | | |
|-------------------|------------------------|
| 1. 2002Z-101U-06 | Deferred 1 meeting. |
| 8. 2003Z-032G-14 | Deferred indefinitely. |
| 9. 2003Z-033U-14 | Deferred indefinitely. |
| 24. 2003M-029U-10 | Deferred 1 meeting. |

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

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

OTHER BUSINESS

2. Agreement between RTA and MPC (for the MPO) for commuter rail planning services

Resolution No. 2003-81

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Agreement between RTA and MPC (for the MPO) for commuter rail planning services.”

**PUBLIC HEARING
ZONING MAP AMENDMENTS**

2. 2002Z-110G-14
Map 76, Parcel 2
Subarea 14 (1996)
District 11 (Brown)

A request to change from R10 district to RM6 district property at 735 Tulip Grove Road, approximately 800 feet north of Chandler Road, (17.41 acres), requested by Richard A. Nelson of Morning Star Construction Company, appellant, for John L. Fox, owner. (See PUD Proposal No. 2003P-003G-14 below). (Deferred from meeting of February 27, 2003).

Project No. Zone Change 2002Z-110G-14
Council Bill None
Associated Cases PUD Proposal 2003P-003G-14
(Tulip Grove Townhomes)
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 17.41 acres from residential (R10) to multi-family residential (RM6) at 735 Tulip Grove Road.

Existing Zoning

R10 Zoning R10 zoning is intended for single-family homes and duplexes at 3.7 units per acre. Current zoning would permit 64 residential lots.

Proposed Zoning

RM6 Zoning RM6 zoning is intended for multi-family uses allowing up to six units per acre. Proposed zoning would allow 104 units. However, the proposed PUD limits this property to 80 units.

SUBAREA 14 PLAN POLICY

Natural Conservation (NC) Specific criteria are set out in the *Land Use Policy Application* document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

“Some areas of NC policy are suitable for more intensive development, at up to four dwelling units per acre (Residential Low Medium policy). These are lands that about more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available. Other areas of NC policy should be limited to very low-density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.”

The NC policy area within this site, which is approximately 9.7 acres of the total 17.41 acres, applies to the floodplain along Stoner Creek east of Andrew Jackson Parkway. Development of any part of this NC area that is approved for alteration and removal from the floodplain should be guided by the adjoining RLM policy.

Residential Low Medium (RLM) This RLM policy, which makes up approximately 7.7 acres of the total 17.41 acres, is directly adjacent to the NC portion of the property that runs along Stoner Creek. The Subarea 14 Plan states that development within this area should be guided by the standard policies. RLM is a policy category designed to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type in RLM areas is single-family residential, although some townhomes and other forms of attached housing may be appropriate. Lastly, development at the upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets.

Policy Conflict None. The applicant is proposing a Residential Planned Unit Development in conjunction with this requested zone change. The PUD plan proposes townhomes that are primarily

clustered on the upland portion of the site – the portion located within the RLM policy area. This plan complies with the Zoning Code requirement for PUD’s that two-thirds of the natural floodplain and all of the natural floodway remain in a predevelopment state.

The PUD plan proposes only 80 townhome units at a density of 4.25 units per acre. Staff recommends approval of this proposal because any requested increase in the density, in the future, would require approval by the Metro Council. In addition, the plan places development on the upland portion of the property, while a single-family or duplex lot subdivision would be allowed to develop up to 50% of the floodplain.

TRAFFIC IMPACTS

Traffic Engineer’s Findings No exception taken

SCHOOLS

Students Generated 9Elementary 6Middle 4High

Schools Over/Under Capacity **The Metro School Board has identified Dupont-Tyler Middle School as being over capacity at this time. They are currently using ten portable classrooms.**

Resolution No. 2003-82

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2002Z-110G-14 is **APPROVED (8-0)**:

A request to change from R10 district to RM6 district property at 735 Tulip Grove Road, approximately 800 feet north of Chandler Road, (17.41 acres), requested by Richard A. Nelson of Morning Star Construction Company, appellant, for John L. Fox, owner.

The proposed RM6 district is consistent with the Subarea 14 Plan’s Natural Conservation (NC) policy allowing for development at the Residential Low Medium (RLM) policy range (2 to 4 dwelling units per acre) in areas that abut more intensively developed areas where slopes are less than 20%, there is little or no floodplain, and urban services and facilities are available. The associated PUD will insure that development is limited to the less environmentally sensitive areas. The associated PUD limits the overall density on the site to 80 dwelling units.”

3. 2003P-003G-14
Tulip Grove Townhomes
Map 76, Parcel 2
Subarea 14 (1996)
District 11 (Brown)

A request to apply a preliminary Planned Unit Development district to property located at 735 Tulip Grove Road, abutting the east margin of Tulip Grove Road, north of Chandler Road, classified R10 and proposed for RM6, (17.41 acres), to permit the development of an 80 unit townhome development, requested by Dale and Associates, for John L. Fox, owner. (See Zone Change Proposal No. 2002Z-110G-14 above). (Deferred from meeting of February 27, 2003).

Project No. Planned Unit Development 2003P-003G-14
Project Name Tulip Grove Townhomes Residential PUD
Council Bill None
Associated Case 2002Z-110G-14
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Request for a preliminary Planned Unit Development to allow for the development of 80 attached townhomes on a 17.41-acre site. The property is located at 735 Tulip Grove Road in Hermitage.

P.U.D. PERFORMANCE STANDARDS & PROVISIONS

Section 17.36.050(A) If encompassing environmentally sensitive areas, as defined by Chapter 17.28 of the Zoning Ordinance, approval of a PUD Master Development Plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of a conventional subdivision.

The proposed plan does a better job than a conventional subdivision of preserving the environmentally sensitive areas of floodway and floodplain. The residential PUD standards require that all floodway and a minimum of two-thirds of floodplain be recorded as common open space and remain in a predevelopment state in perpetuity. If the site were developed as single-family or duplex lots, the developer would have the ability to manipulate up to 50% of the floodplain area.

PLAN DETAILS

The applicant's plan proposes an 80-unit townhome development where the majority of the development is located on the upland portion of the site. Ingress and egress to the site will be provided via direct access off Tulip Grove Road. Approximately 3.5 acres of the floodway and floodplain area are to be dedicated as a Conservation and Greenway easement in order to implement the Metro Parks Department's Master Greenways Plan for the Stones River.

TRAFFIC ENGINEER'S

FINDINGS Metro Public Works' Traffic Engineer provided one off-site roadway improvement and one on-site roadway improvement, which is outlined below in the staff conditions.

The applicant is proposing a new sidewalk along Tulip Grove Road in accordance with current Metro Public Works design standards. In addition, and in conjunction with the new public sidewalk, the applicant will widen Tulip Grove Road along the property frontage to meet the current roadway designation of U4 (Urban 4-lane Arterial).

CONDITIONS

Prior to final PUD approval, a southbound left-turn lane must be provided within Tulip Grove Road fronting the subject site.

Prior to final PUD approval, the private access drive for the townhouse development must align with Scotts Creek Parkway.

Prior to the final PUD approval, the location and size of the Dedicated Conservation/Greenway Public Access Trail Easement Area shall be approved by Metro Parks if there is to be any variance from the requirement of a conservation easement including the floodway plus a corridor of 75-feet measured from the outside edge of the floodway.

A final plat needs to be recorded prior to the issuance of any building permits.

Pursuant to comments by Metro Water Services Department, final determination of floodway and floodplain lines must be made prior to approval of any final PUD plans. Upon final determination of floodway and floodplain lines, all of the designated floodway and a minimum of two-thirds of the designated floodplain must be maintained in a predevelopment state.

Prior to the issuance of any permits, the Stormwater Management Section of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Department.

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.

Resolution No. 2003-83

"BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2003P-003G-14 is **APPROVED (8-0)**. The following conditions apply:

1. Prior to final PUD approval, a southbound left-turn lane must be provided within Tulip Grove Road fronting the subject site.
 2. Prior to final PUD approval, the private access drive for the townhouse development must align with Scotts Creek Parkway.
 3. Prior to the final PUD approval, the location and size of the Dedicated Conservation/Greenway Public Access Trail Easement Area shall be approved by Metro Parks if there is to be any variance from the requirement of a conservation easement including the floodway plus a corridor of 75-feet measured from the outside edge of the floodway.
 4. A final plat needs to be recorded prior to the issuance of any building permits.
 5. Pursuant to comments by Metro Water Services Department, final determination of floodway and floodplain lines must be made prior to approval of any final PUD plans. Upon final determination of floodway and floodplain lines, all of the designated floodway and a minimum of two-thirds of the designated floodplain must be maintained in a predevelopment state.
 6. Prior to the issuance of any permits, the Stormwater Management Section of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Department.
- 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.”

6. 2003Z-030G-13

Map 164, Part of Parcels 40 and 174
 Map 175, Parcel 21
 Subarea 13 (1996)
 District 29 (Holloway)

A request to change from CS, AR2a, RS15, and R15 districts to MUL, RS10, RM15, and RS7.5 districts properties at 12786 Old Hickory Boulevard, Route 2 Murfreesboro Pike, Murfreesboro Pike (unnumbered), and Hobson Pike (unnumbered), at the intersection of Hobson Pike and Murfreesboro Pike, (238.97 acres), requested by Robert Porter of Civil Site Design Group, applicant, for Pavilion Partners and Belz-McDowell, owners. (See PUD Proposal No. 62-72-G-13 below).

Project No. Zone Change 2003Z-030G-13
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Rezone 238.97 acres from Residential Single-Family (RS15), Residential (R15), Agricultural/Residential (AR2a), and Commercial Services (CS) to Residential Single-Family (RS10), Residential Single-Family (RS7.5), Residential Multi-Family (RM15), and Mixed-Use Limited (MUL) at 12786 Old Hickory Boulevard, Route 2 Murfreesboro Pike, Murfreesboro Pike (unnumbered), and Hobson Pike (unnumbered).

Existing Zoning

AR2a Zoning AR2a zoning is permits one dwelling unit per two acres.

RS15 Zoning RS15 zoning is intended for single-family homes at 2.47 units per acre.

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

CS Zoning CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, retail, office uses.

Proposed Zoning

RS10 Zoning RS10 zoning is intended for single-family homes at 3.7 units per acre.

RS7.5 Zoning RS7.5 zoning is intended for single-family homes at 4.94 units per acre.

RM15 Zoning RM15 zoning is intended for 15 multi-family dwelling units per acre.

MUL Zoning MUL zoning is intended for a medium-intensity mixture of residential, retail, and office uses.

SUBAREA 13 PLAN POLICY

Corridor Center (CC) CC policy is intended for commercial development such as retail, office and some higher density residential uses along arterial streets.

Residential Medium High

(RMH) RMH policy calls for residential development at 9 to 20 dwelling units per acre.

Residential Medium (RM) RM policy calls for residential development at 4 to 9 dwelling units per acre.

Policy Conflict None. The proposed MUL zoning is consistent with the CC policy. The RS10, RS7.5 and RM15 districts are consistent with the intent of the RM and RMH policy areas.

This area of the Subarea 13 Plan is currently being updated. Staff met with applicant to try to bring this request in line with the direction of the draft Subarea 13 Plan. The applicant has made changes to their original request in an attempt to incorporate the intent of the future plan with this proposed rezoning. The update to the Subarea 13 Plan calls for a mixture of housing types as well as community scale retail uses. The applicant’s request not only incorporates the intent of the future plan, but it also is consistent with the current subarea plan.

Property Constraints

TVA and Gas Line Easement There is an existing 400-foot TVA and gas line easement on the properties that runs from the boundary on Murfreesboro Pike to the CSX Transportation Railroad. Any preliminary or final plat for the development on this property will be restricted in the area of the easement.

Southeast Arterial The proposed southeast arterial is planned to start at the intersection of Murfreesboro Pike and Old Hickory Boulevard. The applicant will be required either to reserve or dedicate the right-of-way for the road with the submission of any final plat.

Floodplain or Topographical

Concerns These properties are not encumbered by floodplain or severe topographical conditions.

RECENT REZONINGS None

TRAFFIC Traffic counts for this rezoning as identified in the applicant’s TIS show the single-family homes generating approximately 3,032 daily trips, the multi-family homes generating approximately 4,186 daily trips, and the retail uses generating approximately 17,302 daily trips for a total of approximately 24,520 daily trips created by this zone change.

Traffic Engineers Comments Since this zone change and the cancellation of PUD will reduce the amount of potential traffic for these properties, the submitted TIS was sufficient for the requested zone change. A more detailed TIS will be required when a plan of development is submitted to the Planning Commission. The scope of that TIS is to be determined prior to submission of the development plan with the Public Works Department.

SCHOOLS

Students Generated

RS10 Zoning 39 Elementary 28 Middle 23 High

RS7.5 Zoning 85 Elementary 61 Middle 50 High

RM15 Zoning 41 Elementary 28 Middle 23 High

Total without MUL Zoning 165 Elementary 117 Middle 96 High

MUL Zoning* 170 Elementary 118 Middle 97 High

Total without MUL Zoning 335 Elementary 235 Middle 193 High

Schools Over/Under Capacity **Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, Antioch Middle, and Antioch High have been identified as being overcrowded by the Metro School Board.**

*The numbers for MUL zoning are based upon additional students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

CONDITIONS

No final plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential.

A more detailed TIS will be required with the submission of a development plan to the Metro Planning Commission. The scope of the TIS is to be determined by Metro Planning Department and the Public Works Department.

With the recording of a final plat the applicant will be required either to dedicate or reserve right-of-way for the proposed Southeast Arterial.

Resolution No. 2003-84

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-030G-13 is **APPROVED (8-0) with conditions:**

A request to change from CS, AR2a, RS15, and R15 districts to MUL, RS10, RM15, and RS7.5 districts properties at 12786 Old Hickory Boulevard, Route 2 Murfreesboro Pike, Murfreesboro Pike (unnumbered), and Hobson Pike (unnumbered), at the intersection of Hobson Pike and Murfreesboro Pike, (238.97 acres), requested by Robert Porter of Civil Site Design Group, applicant, for Pavilion Partners and Belz-McDowell, owners.

The proposed RS10, RS7.5, RM15, and MUL districts are consistent with the Subarea 13 Plan's Corridor Center (CC) policy calling for commercial development such as retail, office, and some higher density residential uses along arterial streets, the Residential Medium High (RMH) policy calling for multi-family residential at 9 to 20 dwelling units per acre, and the Residential Medium (RM) policy calling for residential development between 4 and 9 dwelling units per acre. The zone change is conditioned upon: a more detailed Traffic Impact Study (TIS) to be submitted with any development plan to the Metro Planning Commission. The scope of the TIS is to be determined by the Metro Planning Department and the Public Works Department; no final plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential; and with the recording of a final plat the applicant will be required either to dedicate or reserve right-of-way for the proposed Southeast Arterial."

7. 62-72-G-13

Hobson Center Commercial PUD
Map 164, Parcels 173 and 253, and Part of 40, 174 and 201
Subarea 13 (1996)
District 29 (Holloway)

A request to cancel the undeveloped Commercial Planned Unit Development located abutting both sides of Murfreesboro Pike and both sides of Hobson Pike and Old Hickory Boulevard, classified CS, AR2a, RS15 and R15 and proposed for RS7.5, MUL, RS10, and RM15, (100.7 acres), requested by Civil Site Design Group for, Belz-McDowell Properties, owners. (See Zone Change Proposal No. 2003Z-030G-13 above).

Project No. **Planned Unit Development 62-72-G-13**
Project Name Hobson Center Commercial
Council Bill None
Associated Cases 2003Z-030G-13
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST

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

Cancellation of existing PUD

Existing Zoning

AR2a Zoning AR2a zoning is permits one dwelling unit per two acres.

RS15 Zoning RS15 zoning is intended for single-family homes at 2.47 units per acre.

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

CS Zoning CS zoning is intended for a wide range of commercial service related uses, including low-intensity manufacturing, retail, office uses.

CANCELLATION DETAILS This PUD was approved February 8, 1990 for 498,345 sq. ft. of office uses, 418,530 sq. ft. of retail uses, and 34,725 sq. ft. of restaurant uses.

With cancellation of this PUD the applicant is requesting rezoning for the majority of the property within this PUD. The requested zone changes are reviewed in the staff report for 2003Z-030G-13.

TRAFFIC Traffic counts are not required for a PUD cancellation. Traffic with respect to the proposed rezoning is located in the traffic section of the staff report for case 2003Z-030G-13.

Traffic Engineer's Findings No exception taken

Resolution No. 2003-85

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 62-72-G-13 is **APPROVED (8-0).**”

11. 2003Z-035U-05

Map 82-16, Parcel 407

Map 83-9, Parcels 127-132, 134, 136-144, 178-183, 185, 187, 190, 191, 207, 208, 210-212, 214-222 and 485

Map 83-13, Parcels 2.01-2.04, 3-5, 7, 8, 34, 37, 72-95, 112.01, 118-125, 127-162, 164-182, 184-198, 200-220, 223, 224, 237-240, 251-256, 264-269 and 518-531

Map 83-13, Part of Parcels 107, 105, 106, 110, 111, 113, 114, 115, and 116

Subarea 5 (1994)

District 6 (Beehan)

A request to extend the Neighborhood Conservation Zoning Overlay of the Lockland Springs - East End area, from South 10th Street to South 14th Street and Woodland Street to Shelby Avenue, (46.97 acres), requested by Councilmember Eileen Beehan, for Jean Harrison of the East End Neighborhood Association.

Project No. Zone Change 2003Z-035U-05
Council Bill None
Associated Cases None

Staff Reviewer Leeman

Staff Recommendation Approve

APPLICANT REQUEST Expand the existing Neighborhood Conservation Overlay District (NCOD) to various properties between S 10th Street and S 14th Street and along Shelby Avenue, Lillian Street, Boscobal Street, Fatherland Street, Russell Street and Clearview Avenue.

Proposed Zoning Overlay

Neighborhood Conservation

Overlay District (NCOD) The NCOD is intended to protect the historical value of buildings, structures, and areas. To accomplish this intent, the Metropolitan Historic Zoning Commission (MHZC) is required to issue a preservation permit prior to any demolition, new construction, or additions based on compliance with the district's design guidelines. However, alterations to existing buildings would not require review by the MHZC.

SUBAREA 5 PLAN POLICY

Commercial Arterial Existing

(CAE) CAE policy is intended for limited application to established and committed areas of primarily commercial development in a linear pattern along arterial streets. Predominant uses in CAE are retail, office and some higher density residential.

Residential Medium (RM) RM policy is intended for residential development at 4 to 9 dwelling units per acre.

Mixed Use (MU) MU policy is intended for a mixture of uses such as office, residential, and commercial uses.

Policy Conflict None. Staff recommends approval since the NCOD is consistent with the Subarea 5 Plan's Residential Medium (RM), Commercial Arterial Existing (CAE), and Mixed Use (MU) policies, while the Neighborhood Conservation Overlay will serve to protect and enhance the neighborhood character.

METRO HISTORIC ZONING

COMMISSION The Metropolitan Historic Zoning Commission (MHZC) held a public hearing on February 19, 2003 and approved the design guidelines for the Lockeland Springs—East End Neighborhood Conservation Overlay as outlined in Section 17.40.410 of the Zoning Code. Additionally, the MHZC voted to recommend approval of the proposed expansion of the district boundaries as shown on the proposed map. The MHZC found that the proposed district meets the criteria for designation as outlined in Section 17.36.120 of the Zoning Code, which reads as follows:

- A. Historic Preservation and Neighborhood Conservation Districts. These districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:
1. The district is associated with an event that has made a significant contribution to local, state or national history; or
 2. It includes structures associated with the lives of persons significant in local, state or national history; or
 3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
 5. It is listed or is eligible for listing in the National Register of Historic Places.

RECENT REZONINGS None

TRAFFIC The proposed overlay does not change the allowable uses and will not increase or decrease traffic.

Metro Traffic Engineer’s Findings No exception taken

SCHOOLS There will be no change to school populations as a result of this overlay.

Resolution No. 2003-86

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-035U-05 is **APPROVED (8-0)**:

A request to extend the Neighborhood Conservation Zoning Overlay of the Lockland Springs - East End area, from South 10th Street to South 14th Street and Woodland Street to Shelby Avenue, (46.97 acres), requested by Councilmember Eileen Beehan, for Jean Harrison of the East End Neighborhood Association.

The proposed Neighborhood Conservation Zoning Overlay is consistent with the Subarea 5 Plan’s Commercial Arterial Existing (CAE), Residential Medium (RM), and Mixed Use (MU) policies since the intent of the overlay is to protect and enhance the existing neighborhood character.”

PRELIMINARY PLAT SUBDIVISIONS

- 13. 2003S-055U-10**
- McArthur’s Court
- Map 131-11, Parcels 81 and 82
- Subarea 10 (1994)
- District 33 (Turner)

A request for preliminary approval for six lots abutting the west margin of Granny White Pike, approximately 330 feet south of Harding Place, (7.48 acres), classified within the R40 district, requested by Carissa Meyer, owner/developer, E. Roberts Alley and Associates, surveyor.

Project No. Subdivision 2003S-055U-10
 Project Name McArthur’s Court
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 7.48 acres, located on the west margin of Granny White Pike, approximately 330 feet south of Harding Place, into 6 lots.

ZONING

R40 Zoning R40 zoning requires a minimum lot size of 40,000 square feet. Lots sizes range from 40,216 square feet to 49,920 square feet. The existing residence on the property is to remain.

SUBDIVISION DETAILS The Homeowner’s Association will be responsible for the maintenance of any landscaping located within the Metro right-of-way.

TRAFFIC ENGINEER’S FINDINGS No exceptions taken.

CONDITIONS

Prior to the recording of the final plat an agreement will need to be executed with the Public Works Department concerning the maintenance of the landscaping in the right-of-way. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.

Resolution No. 2003-87

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-055U-10, is **APPROVED WITH CONDITIONS (8-0)**.

Staff recommends approval subject to the following conditions:

- 1. Prior to the recording of the final plat an agreement will need to be executed with the Public Works Department concerning the maintenance of the landscaping in the right-of-way. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.”

FINAL PLATS

- 15. 2003S-056U-05**
Country Club Estates, Block C, Resubdivision of Lot 23
Map 72-4, Parcel 315
Subarea 5 (1994)
District 8 (Hart)

A request for final plat approval to subdivide one lot into two lots and variances for sidewalks, lot frontage and lot area, abutting the northeast margin of McAlpine Avenue, approximately 645 feet northwest of McGavock Pike, (.40 acres), classified within the RS7.5 district, requested by Mark M. Warner, owner/developer, John Kohl and Company, surveyor.

Project No. 2003S-056U-05
Project Name Country Club Estates
Associated Cases None
Staff Reviewer Scott

Staff Recommendation *Approve subject to a sidewalk variance and a variance for frontage and lot size on both lots.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1 lot into a 2 lots with variances for sidewalks, lot frontage and lot size, at a proposed density of 4.23 dwelling units per acre, on 0.40 acres.

ZONING

RS7.5 Zoning RS7.5 district requires a minimum lot size of 7,500 square feet.

SUBDIVISION DETAILS This subdivision is in keeping with the current development patterns in this area. This subdivision is located in an area that has many 50’ wide lots.

SUBDIVISION VARIANCES

Lot Comparability (Sec. 2-4.7) The lot comparability study for the proposed subdivision finds that these lots fail the minimum lot width requirement. The comparability test, which takes into account the lot frontage on lots within 300 feet of the subject lot, would require that each lot provide not less than 68 feet of lot frontage.

Regarding minimum lot size under the lot comparability test, the lots also fail the comparability test for lot size by not providing a minimum lot size of 10,069 square feet.

Sidewalks (Sec. 2-6.1) The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties. A sidewalk variance is required for lot 2. The applicant has requested a sidewalk variance due to the absence of sidewalks along McAlpine Avenue and the amount of roadwork that would be required to meet Metro Public Works sidewalk construction standards.

Metro Public Works Findings McAlpine Avenue has a pavement width of approximately 20.5 feet with grassy swale on both sides of pavement edge. In order for sidewalks to be constructed the road will have to be widened to 23 feet, one or more utility poles may have to be relocated, and curb and gutter will have to be constructed. Sidewalk cannot be extended on the adjacent property (southeast) because of an existing stone retaining wall.

Staff Recommendation Approve the sidewalk and lot comparability variances. A section of sidewalk approximately 50 feet in length will require major reconstruction of the roadway by widening and construction of the curb and gutter system for a relatively short section of sidewalk in a midblock location, which is inconsistent with good planning and design. Further, although the lots fail comparability, there are several lots on McAlpine and in the general vicinity that are comparable to the proposed lots.

TRAFFIC ENGINEER'S FINDINGS No exception taken

Resolution No. 2003-88

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-056U-05, is **APPROVED, SUBJECT TO A SIDEWALK VARIANCE AND A VARIANCE FOR FRONTAGE AND LOT SIZE ON BOTH LOTS (8-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

- 16. 2002P-005U-10**
- Glen Echo Hall
- Map 117-15, Parcel 66
- Subarea 10 (1994)
- District 25 (Shulman)

A request for final approval for a Planned Unit Development district located abutting the south margin of Glen Echo Road, 200 feet west of Hillmont Drive, classified R10, (2.06 acres), to permit the development of four duplex lots, including eight residential units, requested by Gresham, Smith and Partners, for Haury and Smith, owner

Project No. 2002P-005U-10
Project Name Glen Echo Hall
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Request for final PUD approval for 4 duplex lots with a total of 8 dwelling units on 2.06 acres.

Existing Zoning

R10 Zoning R10 district is intended for single-family and duplex residential with minimum lot sizes of 10,000 square feet. R10 allows a maximum density of 3.7 dwelling units per acre.

PUD Plan Planned Unit Development’s allow 100% duplexes, while a regular subdivision only allows 25% of the proposed lots to have duplexes. The Preliminary PUD plan was approved by the Planning Commission in November 2002, while the Metro Council approved the PUD in January 2003.

PLAN DESIGN The proposed plan includes 4 lots with duplexes on each lot. At the preliminary PUD stage, the applicant worked with staff to redesign the plan to take a more comprehensive approach to the overall redevelopment of this transitioning area, including reorienting the duplex along Glen Echo to face the road, providing a different housing type for rear-loaded garages, and moving the new road to the west to allow the adjacent property to access the new road, if developed in the future.

This proposal incorporates good planning principles for infill development in that it is designed to blend in with the existing neighborhood character in terms of building orientation, unit type, and density.

Staff has discussed with the applicant the need to look at the redevelopment of the entire block from the subject property to Hillmont Drive, including an undeveloped 4-lot subdivision directly to the west. This 4-lot subdivision was approved in 1980, with a cul-de-sac similar to what is being proposed again today. The final PUD provides the opportunity for the adjacent property to access this road.

TRAFFIC While Glen Echo Road is currently classified as a local road on the Major Street Plan, there is a strong likelihood that this could change to a collector street when the Major Street Plan is updated.

Resolution No. 2003-89

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 2002P-005U-10 is **APPROVED WITH CONDITIONS (8-0)**. The following conditions apply:

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. Prior to the issuance of any permits, the Stormwater Management Section of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Department.
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.”

17. 163-73-G-06
 Bellevue Place PUD (Jonathan's Grille)
 Map 142, Parcel 360
 Subarea 6 (2003)
 District 35 (Tygard)

A request for a variance to Section 17.24.150 of the Metropolitan Code to use the existing Jonathan's Grille, located abutting the south margin of Memphis Bristol Highway, west of Sawyer Brown Road, without perimeter landscaping as shown on the approved Planned Unit Development plan and required by Section 17.24.150 of the Metropolitan Code, requested by John Werne, for Nebel Revelette, owner.

Project No. Planned Unit Development 163-73-G-06
 Project Name Bellevue Place PUD – *Jonathan’s Grille*
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Variance within a PUD
 Final PUD Amend PUD Cancel PUD

Request for a variance to Section 17.24.150 (Perimeter Screening Requirements) of the Zoning Ordinance to allow the existing Jonathan’s Grille restaurant to operate without meeting the perimeter landscaping requirement along Highway 70S.

PROPOSAL DETAILS Since this variance request is located within a Planned Unit Development district, the Planning Commission will make a recommendation to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over zoning variance requests.

The applicant is requesting approval of a variance to Sec. 17.24.150, which – in this case – requires a ten-foot (10’) perimeter landscape strip adjacent to a public street with four or more travel lanes, unless: (a) the strip includes a permanent finished wall no less than 30 inches in height; or (b) the required trees are planted in islands between the parking spaces; where in such cases, the perimeter landscape strip may be reduced to five feet (5’) in width. The applicant currently provides a nine-foot (9’) landscape strip with six street trees.

Based upon the fact that the building and landscaping exist, as of the date of this variance application, staff does not support the removal of any street trees for a 30-inch finished wall and believes that the installation of six street trees within a nine-foot (9’) perimeter landscape strip sufficiently meets the intent of the perimeter landscape standards.

Resolution No. 2003-90

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 163-73-G-06 is **APPROVED (8-0).**”

MANDATORY REFERRALS

19. 2002M-081U-10
Close a Portion of Alley #378 for
United States Postal Service
Map 92-12, Parcels 243, 244, 245, 247,
299, 300, 301, 302, 303 and 509
Subarea 10 (1994)
District 19 (Wallace)

A request to close a 250-foot portion of Alley #378 extending from the east margin of 18th Avenue North to the east margin of parcel 243, requested by the United States Postal Service, for SunTrust Bank, Bay Roberts, and Chris-More, Inc., abutting or affected property owners.

Project No. Mandatory Referral 2002M-081U-10
Project Name **Close a portion of Alley #378 for United States Postal Service**
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve, subject to a turn-around being provided within the alley in accordance with Public Works’ standards.*

APPLICANT REQUEST **A request to close a 250-foot portion of Alley #378 extending from the east margin of 18th Avenue North to the east margin of parcel 243.**

(Easements to be retained)

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners' sign application? Yes

DEPARTMENT AND AGENCY COMMENTS

Metro Water Services: Easement rights must be retained. There is a 10-inch sewer line within the alley.

Metro Public Works: The Traffic & Parking Commission approved this closure at their October, 2002 meeting, subject to the U.S. Post Office and Metro Public Works agreeing upon placement of a cul-de-sac / turn around.

Resolution No. 2003-91

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2002M-081U-10 is **APPROVED (8-0)** subject to a turnaround being provided within the alley in accordance with Public Works standards:

A request to close a 250-foot portion of Alley #378 extending from the east margin of 18th Avenue North to the east margin of parcel 243, requested by the United States Postal Service, for SunTrust Bank, Bay Roberts, and Chris-More, Inc., abutting or affected property owners."

20. 2003M-021U-05

Salvation Army Property Lease to Social Services
Map 82-7, Parcel 271
Subarea 5 (1994)
District 5 (Hall)

An Ordinance approving a facility use agreement by and between The Metropolitan Government of Nashville & Davidson County, acting through the Metro Social Services Commission and the Salvation Army for housing of a Childcare Center.

Project No. Mandatory Referral 2003M-021U-05
Project Name Salvation Army Property Lease to Social Services – 617 Stockell Street
Council Bill BL2003-1350
Staff Reviewer Mitchell

Staff Recommendation Approve

APPLICANT REQUEST An Ordinance approving a facility use agreement by and between The Metropolitan Government of Nashville & Davidson County, acting through the Metro Social Services Commission and the Salvation Army for housing of a Childcare Center.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-92

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-021U-05 is **APPROVED (8-0)**:

An Ordinance approving a facility use agreement by and between The Metropolitan Government of Nashville & Davidson County, acting through the Metro Social Services Commission and the Salvation Army for housing of a Childcare Center.”

21. 2003M-026U-13

Rename Portion of McCrory Creek Road to Pulley Road
Map 121, Parcel 4
Subarea 13 (1996)
District 13 (Derryberry)

A request to rename a portion of McCrory Creek Road, north from Couchville Pike to Pulley Road, to "Pulley Road", as requested by Councilmember Tony Derryberry. (Deferred from meeting of February 27, 2003).

Project No. Mandatory Referral 2003M-026U-13
Project Name Rename Portion of McCrory Creek Road to “Pulley Road”
Council Bill BL2003-1337
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to rename a portion of McCrory Creek Road, north from Couchville Pike to Pulley Road, to "Pulley Road", as requested by Councilmember Derryberry.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-93

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-026U-13 is **APPROVED (8-0)**:

A request to rename a portion of McCrory Creek Road, north from Couchville Pike to Pulley Road, to “Pulley Road,” as requested by Councilmember Tony Derryberry.”

22. 2003M-027U-11

Aerial Encroachment for D&S Mechanical &
Sheet Metal Contractors, Inc.
Subarea 11 (1999)
District 16 (McClendon)

A request to encroach into the Kline Avenue right-of-way by the installation of communication cable on existing Nashville Electric Service (NES) poles, per NES specifications, between 2311 Kline Avenue and 2312 Kline Avenue, requested by Dillingham & Smith Mechanical & Sheet Metal Contractors, Inc.

Project No. Mandatory Referral 2003M-027U-11
Project Name Aerial Encroachment for Communication Cable over Kline Avenue
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to encroach into the Kline Avenue Right-of-Way by the installation of communication cable on existing Nashville Electric Service (NES) poles, per NES

specifications, between 2311 Kline Avenue and 2312 Kline Avenue, requested by Dillingham & Smith Mechanical & Sheet Metal Contractors, Inc.

APPLICATION REQUIREMENTS

License to Encroach Agreement Yes – one was submitted in correct form.

Insurance Certificate Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.

Property Owner Sign Application Yes

Tenant Sign Application N/A

DEPARTMENT AND AGENCY

RECOMMENDATIONSAll reviewing departments or agencies recommend approval.

Resolution No. 2003-94

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-027U-11 is **APPROVED (8-0)**:

A request to encroach into the Kline Avenue right-of-way by the installation of communication cable on existing Nashville Electric Service (NES) poles, per NES specifications, between 2311 Kline Avenue and 2312 Kline Avenue, requested by Dillingham & Smith Mechanical & Sheet Metal Contractors, Inc."

23. 2003M-028U-07

Hathaway Court Ingress/Egress Easement Abandonment
Map 129-5, Parcels 5, 7, 8 and 9
Subarea 7 (2000)
District 23 (Bogen)

A request to abandon an ingress-egress driveway easement for Project No. 02-SG-159, 400 Hathaway Court, since this easement is no longer needed by the Metro Water Services Department for access to the Rolling Fork Reservoir, as requested by the Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-028U-07

Project Name Hathaway Court Ingress/Egress Easement Abandonment

Council Bill None

Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to abandon an ingress-egress driveway easement for Project No. 02-SG-159, 400 Hathaway Court, since this easement is no longer needed by the Metro Water Services Department for access to the Rolling Fork Reservoir.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

RECOMMENDATIONSNone

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-95

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-028U-07 is **APPROVED (8-0)**:

A request to abandon an ingress-egress driveway easement for Project No. 02-SG-159, 400 Hathaway Court, since this easement is no longer needed by the Metro Water Services Department for access to the Rolling Fork Reservoir, as requested by the Department of Water & Sewerage Services.”

25. 2003M-030G-10
Crater Hill Water Pumping Station Demolition
Map 144-2, Parcel 16
Subarea 10 (1994)
District 34 (Williams)

A request to abandon existing easements for the demolition of the Old Crater Hill Water Pumping Station building, for Project No. 03-WG-026, as requested by the Department of Water & Sewerage Services.

Project No. Mandatory Referral 2003M-030G-10
Project Name Crater Hill Water Pumping Station Demolition & Easement Abandonment
Council Bill None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to abandon existing easements for the demolition of the Old Crater Hill Water Pumping Station building, for Project No. 03-WG-026.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY RECOMMENDATIONS None

RECOMMENDATION All reviewing departments or agencies recommend approval.

Resolution No. 2003-96

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-030G-10 is **APPROVED (8-0)**:

A request to abandon existing easements for the demolition of the Old Crater Hill Water Pumping Station building, for Project No. 03-WG-026, as requested by the Department of Water & Sewerage Services.”

This concluded the items on the consent agenda.

**PUBLIC HEARING
ZONING MAP AMENDMENTS**

Chairman Lawson and the Commission congratulated Marcus Hardison on his transfer to the Metro Parks Department.

4. 2003Z-015G-06
Map 126, Part of Parcel 28
Subarea 6 (2003)
District 23 (Bogen)

A request to change from AR2a district to RS15 district a portion of property at 8840 Highway 70, abutting the northern margin of Highway 70, (31.5 acres), requested by Robert Porter of Civil Site Design Group, applicant, for W. J. Newsome, owner. (Deferred from meeting of February 27, 2003).

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2003Z-015G-06

Associated Case None

Council Bill None

Staff Reviewer Hardison

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Rezone 31.5 acres from Agricultural Residential (AR2a) to Residential Single-Family (RS15) at 8840 Highway 70.

Existing Zoning

AR2a zoning AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

Proposed Zoning

RS15 zoning RS15 zoning is intended for single-family homes at 2.47 units per acre.

SUBAREA 6 PLAN POLICY

Natural Conservation (NC) This property is located in an NC policy area in the current Subarea 6 Plan.

Specific criteria are set out in the *Land Use Policy Application* document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

Areas of NC policy should be limited to very low-density residential development that is rural in character. These generally are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.

Some areas of NC policy are suitable for more intensive development, at up to four dwelling units per acre (Residential Low/Medium policy). These are lands that abut more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available.

Specific residential densities in NC areas should be determined by physical site characteristics and the availability of services, particularly sewers.

Steeply sloping areas interspersed with narrow ridges and slightly wider valleys along streams are suitable only for very low intensity development. Valleys and accessible ridge areas may be suitable for residential development of up to four units per acre, but only if access can be accomplished without major grading and removal of native vegetation.

Greenway plans affect this area and should be taken into account as part of the review of any development proposals involving sites in this area.

Policy Conflict The proposed rezoning conflicts with the following policy directives for this area:

Pursuant to items 1 and 2 above, the subject site is encumbered by floodway and floodplain.

Approximately 28% of the property is encumbered by floodplain.

The rezoning site falls in the middle of an NC policy area as opposed to falling along its boundary; it is environmentally constrained, and rural in character. The site's characteristics prescribe very low-density residential development according to the application guidelines of the Natural Conservation policy.

Staff Recommendation Although this property is encumbered by floodplain and also in the middle of the NC policy, staff supports the proposed zone change since the density of the RS15 district is below the acceptable 4 units per acre. Also the applicant has agreed to the condition of placing a conservation easement over the portion of the property that is encumbered by floodplain. With the conservation easement in place the applicant will not be able to develop any portion of the floodplain.

Bellevue Community Planning

Process This rezoning application was filed during the recent Subarea 6 Plan amendment process.

Although the new Subarea 6 Plan was adopted by the Commission on February 13, 2003, the policies in that new plan has not been applied to this rezoning request. Staff believes, however, it is important to note that the Bellevue community has expressed a number of concerns regarding development within the Natural Conservation (NC) policy area. During the 2002 Subarea 6 Plan Amendment process, neighbors

concluded that it was appropriate to maintain the current NC land use policy. Staff recommendations, however, are based upon the pre-February 13, 2003 Subarea 6 Plan.

RECENT REZONINGS None

TRAFFIC With RS15 zoning the applicant would be allowed to construct 78 single-family dwellings. The proposed 78 units would generate approximately 746 trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings The submitted TIS was sufficient for the requested zone change. A more detailed TIS will be required when a plan of development is submitted to the Planning Commission. The scope of that TIS is to be determined prior to submission of the development plan with the Public Works Department.

SCHOOLS

Students Generated 10 Elementary 8 Middle 6 High

Schools Over/Under Capacity **Students will attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. Gower Elementary School, H.G. Hill Middle School, and Hillwood High School have not been identified as being overcrowded by the Metro School Board.**

CONDITIONS

A more detailed TIS will be required with the submission of a development plan to the Metro Planning Commission. The scope of the TIS is to be determined by Metro Planning Department and the Public Works Department.

Prior to the recordation of any final plat for this property the property owner must record a Conservation Easement over all portions of the property within the floodway or floodplain.

Mr. Tom White, representing the applicant, spoke in favor of the proposal.

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

Ms. Jones asked Mr. Hardison if this had been looked at under the New Subarea 6 Plan.

Mr. Hardison stated it was.

Ms. Jones stated she was glad to see this property develop in this way and that staff did consider the new plan.

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

Resolution No. 2003-97

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-015G-06 is **APPROVED (8-0) with conditions:**

A request to change from AR2a district to RS15 district a portion of property at 8840 Highway 70, abutting the northern margin of Highway 70, (31.5 acres), requested by Robert Porter of Civil Site Design Group, applicant, for W. J. Newsome, owner.

The proposed RS15 district is consistent with the 1996 Subarea 6 Plan's Natural Conservation (NC) policy allowing for development at the Residential Low Medium (RLM) policy range (2 to 4 dwelling units per acre) in areas that abut more intensively developed areas where slopes are less than 20%, there is little or no floodplain, and urban services and facilities are available. The zone change is conditioned upon: a more detailed Traffic Impact Study (TIS) to be submitted with any development

plan to the Metro Planning Commission. The scope of the TIS is to be determined by the Metro Planning Department and the Public Works Department; Prior to the recordation of any final plat for this property the property owner must record a Conservation Easement over all portions of the property within the floodway or floodplain.”

5. 2003Z-028U-12
Map 147-12, Parcel 31
Subarea 12 (1997)
District 26 (Arriola)

A request to change from RS10 district to RM9 district property at Northcrest Drive (unnumbered), located approximately 500 feet west of Nolensville Pike, (8.6 acres), requested by Radnor Baptist Church of Nashville, TN, owner.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2003Z-028U-12
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 8.6 acres from Residential Single-Family (RS10) to Residential Multi-Family (RM9) at Northcrest Drive (unnumbered).

Existing Zoning

RS10 zoning RS10 zoning is intended for single-family dwellings at 3.7 units per acre.

Proposed Zoning

RM9 zoning RM9 zoning is intended for multi-family dwellings at 9 units per acre.

SUBAREA 12 PLAN POLICY

Residential Low Medium

(RLM) RLM policy is intended for 2 to 4 dwelling units per acre.

Commercial Arterial Existing

(CAE) CAE policy is intended for commercial development such as retail, office and some higher density residential, where locational criteria for higher density residential can be met, along arterial streets.

Policy Conflict None. The proposed RM9 district is at the low end of the medium high residential density range which is consistent with the CAE policy. The RM9 district is higher than the RLM policy, but this property will serve as a transition between the residential and commercial areas. Staff recommends that neither multi-family nor commercial zoning extend further than this property into the existing residential area.

RECENT REZONINGS None

TRAFFIC With RM9 zoning the applicant would be allowed to construct 77 multi-family dwellings. The proposed 77 units would generate approximately 511 trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings **No exception taken**

SCHOOLS

Students Generated 6 Elementary 4 Middle 3 High

Schools Over/Under Capacity **Students will attend Tusculum Elementary School, McMurray Middle School, and Overton High School. Tusculum Elementary, McMurray Middle, and Overton High have been identified as being overcrowded by the Metro School Board.**

Ms. Carolyn Dyce, Mr. James Fields, Ms. Dimple Fields, and Ms. Carolyn Clark spoke in opposition to the proposal, asked for single family homes, stated they worked getting together a petition, and express concerns regarding condo shanties being built, traffic, and safety. They complained about their Councilmember stating they either accept this proposal or be surrounded by undesirable neighbors. They presented the Commission with the petition in opposition.

Mr. Paul Duhram, Pastor of Radnor Baptist Church, spoke in favor of the proposal and explained the reason for closing the swim club and for building condos. He asked for approval.

Mr. Dan Strabel, with Vastland Communities, spoke in favor of the proposal and stated the swim club would not survive and he would be happy to work with the community.

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

Mr. Tyler asked how many people signed the petition.

Chairman Lawson stated there were 50 signatures.

Ms. Cummings stated every school in this area is overcrowded, which concerned her with these new condos adding more students.

Mr. McLean stated this would generate 13 students.

Mr. McLean moved and Mr. Clifton seconded the motion, which carried with Mr. Clifton, Mr. McLean, Ms. Nielson, Chairman Lawson and Ms. Jones in favor and with Mr. Sweat, Mr. Tyler and Ms. Cummings in opposition.

Resolution No. 2003-98

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-028U-12 is **APPROVED (5-3)**:

A request to change from RS10 district to RM9 district property at Northcrest Drive (unnumbered), located approximately 500 feet west of Nolensville Pike, (8.6 acres), requested by Radnor Baptist Church of Nashville, TN, owner.

The property is encompassed by the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre and Commercial Arterial Existing (CAE) policy intended for commercial development such as retail, office, and some higher density residential. The proposed RM9 district will serve as a transitional area between the single-family residential and commercial areas along Nolensville Pike."

10. 2003Z-034U-13

Map 150, Parcels 95, 96, 97, 99 and 192
Subarea 13 (1996)
District 29 (Holloway)

A request to change from AR2a district to RS10 district properties at 3276 Hamilton Church Road and Hamilton Church Road (unnumbered), abutting the northern margin of Hamilton Church Road, (17.76 acres), requested by Robert Porter of Civil Site Design Group, applicant, for Barbara G. Grogan et al, John and Mitchell Begley et al, and Homes By Design, LLC.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2003Z-034U-13
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 17.76 acres from Agricultural/Residential (AR2a) to Residential Single-Family (RS10) at 3276 Hamilton Church Road and Hamilton Church Road (unnumbered).

Existing Zoning

AR2a zoning AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family homes at 3.7 units per acre.

SUBAREA 13 PLAN POLICY

Residential Low Medium (RLM) RLM policy calls for two to four dwelling units per acre.

Policy Conflict None. The RS10 district allows for 3.7 dwelling units per acre, which is consistent with the intent of the RLM policy. The desired zoning pattern in this area is RS10.

RECENT REZONINGS MPC recommended approval of rezoning parcels 123 and 124 from AR2a to RS10 on 11/9/00 (2000Z-143U-13). Metro Council approved the rezoning on 1/27/03 (BL2000-542).

TRAFFIC The proposed zone change would permit a total of 65 dwelling units. This number of units would create approximately 622 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve

SCHOOLS

Students Generated 6 Elementary 4 Middle 3 High School

Schools Over/Under Capacity **Students will attend Tusculum Elementary School, McMurray Middle School, and Overton High School. Tusculum Elementary, McMurray Middle, and Overton High have been identified as being overcrowded by the Metro School Board.**

Mr. Rob Porter, representing the owners and petitioners, spoke in favor of the proposal and asked for approval.

An unidentified man spoke in opposition to the proposal and complained about short notice on the proposal, water pressure, blasting, and losing sleep during the day because he works at night.

Ms. Susanne Ham, Mr. Michael Knight Mr. Ray Butler, Ms. Tina Furnish and Mr. Albert Bender spoke in opposition to the proposal and expressed concerns regarding traffic, safety, blasting, and property depreciation.

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

Ms. Jones stated this is a zoning issue and the Commission can't talk about subdivision. This is the desired zoning in that area.

Ms. Nielson stated that when this comes in as a subdivision issue the Commission will look at it very closely.

Mr. Clifton stated we as a city have not taken care of the roads as traffic has increased, but this is a proper zoning.

Chairman Lawson stated this Commission could clearly identify a public health or safety situation and recommend disapproval on this proposal.

Mr. Clifton stated he didn't see that, but this is a proper land use.

Ms. Cummings asked if the Commission should look at those safety issues at this point or when it comes in for the subdivision.

Chairman Lawson stated those issues could be looked at now.

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

Resolution No. 2003-99

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-034U-13 is **APPROVED (8-0)**:

A request to change from AR2a district to RS10 district properties at 3276 Hamilton Church Road and Hamilton Church Road (unnumbered), abutting the northern margin of Hamilton Church Road, (17.76 acres), requested by Robert Porter of Civil Site Design Group, applicant, for Barbara G. Grogan et al, John and Mitchell Begley et al, and Homes By Design, LLC.

The proposed RS10 district is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre."

Ms. Cummings left at 5:30 p.m., at this point in the agenda.

PRELIMINARY SUBDIVISION PLATS

12. 2002S-229G-14
Windstar Estates, Revised
Map 43, Parcels 7 and 8
Subarea 14 (1996)
District 11 (Brown)

A request for revised preliminary plat approval for 84 lots abutting the southwest margin of Swinging Bridge Road and the northwest corner of Warren Drive and Keeton Avenue, (73.03 acres), classified within the R10 and R15 districts, requested by Gene H. Scott, Jr., owner, Charlie Rhoten, developer, Burns and Associates, Inc., surveyor.

Ms. Scott stated staff recommends approval.

Project No. Subdivision 2002S-229G-14

Project Name Windstar Estates

Associated Cases None

Deferral Deferred by the Planning Commission on January 23, 2003 because this plat contains more than 50% floodplain and the Planning Commission planned to discuss a floodplain development moratorium, at the February 13, 2003, Planning Commission meeting. The applicant further deferred this application on February 13, 2003, in order to address staff comments.

Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

X Preliminary Plat Revision ___ Preliminary & Final Plat ___ Final Plat

Revise a preliminary plat to subdivide 73.03 acres into 84-lot cluster lot subdivision, at a proposed density of 0.74 dwelling units per acre at Warren Drive and Keeton Avenue.

ZONING

R10 zoning The R10 district requires a minimum lot size of 10,000 square feet.

R15 zoning The R15 district requires a minimum lot size of 15,000 square feet.

REVISION DETAILS The previous preliminary plat was approved with conditions October 10, 2002. It included map 43, part of parcels 7 and 8. This plat is revised to include all of map 43, parcels 7 and 8. A 7.03 acre borrow pit on the northern property line is included on the plat, which will provide the fill dirt to raise the elevation of the lots and roadways out of the floodplain. The majority of the open space is now located in the western section of the subdivision to include all of the floodway and floodway buffer. An additional 25' is provided for greenway dedication in the open space area. Also, the open space is adjusted to include a strip along the southern boundary of the property from lot 51 through lot 58.

Floodplain The majority of this property lies within the floodplain of the Cumberland River. The cluster lot option allows the clustering of lots within the manipulated areas of the natural floodplain with the condition that at least, "one-half of the natural floodplain area including all of the floodway area shall be dedicated as common open space and maintained in a natural state, with the clearing of trees and brush exceeding eight inches in diameter prohibited" (17.28.040A2).

The revised subdivision dedicates one-half of the natural floodplain area, "except where required for the installation of streets and utilities," (Metro Zoning Code 17.28.040 A.) as common open space, and labels the open space as "to be maintained in a natural state."

Staff has concerns about the applicant's ability to preserve the designated open space in a natural state while also raising the building lots above flood levels and effectively draining stormwater off the property. The plat technically complies with Metro regulations, however, because it shows, on its face, the required open space and stormwater conveyances.

CONDITIONS

No clearing, grubbing or grading, or other Metro permits will be issued until final plat approval and a grading plan for the entire property.

All grading and engineering plans relating to site development will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.

The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state.

Warren drive and Keeton Avenue along the property's frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation.

A bond is required for the extension of roads, sidewalks, and public utilities prior to final plat recordation. Within or near the easement area, label on the plat, "Dedicated Conservation/Greenway Public Access Trail Easement Area. Except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement".

7. Any deviation from the preliminary plat will require the filing of a new preliminary plat.

Councilman Feller Brown asked the Commission to be sure all the conditions are met and take under consideration that all the neighborhoods that flood are the new subdivisions.

Mr. Roy Dale, representing Feller Brown, stated the way this plan is laid out now is not the best way.

Mr. Louis Oliver, attorney representing Charles Rhoten, gave the history of this property and stated Mr. Rhoten has agreed to all conditions.

Sandra Scott, property owner, stated this proposal needs to move on. It meets all requirements and the only person opposing it is Feller Brown.

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

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

Resolution No. 2003-100

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-229G-14, is **APPROVED WITH CONDITIONS (8-0)**.

Staff recommends approval subject to the following conditions:

- 1. No clearing, grubbing or grading, or other Metro permits will be issued until final plat approval.**
- 2. All grading and engineering plans relating to site development will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.**
- 3. The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state.**
- 4. Warren drive and Keeton Avenue along the property’s frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation.**
- 5. A bond is required for the extension of roads, sidewalks, and public utilities prior to final plat recordation.**
- 6. Within or near the easement area, label on the plat, "Dedicated Conservation/Greenway Public Access Trail Easement Area. Except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement".**
Any deviation from the preliminary plat will require the filing of a new preliminary plat.”

FINAL PLATS

14. 2003S-043G-06
Jeff Subdivision
Map 154, Parcel 283
Subarea 6 (2003)
District 35 (Tygard)

A request for final plat approval to record one parcel as one lot and a variance from private street standards, abutting the west terminus of Taylor Lane (private road), approximately 1,920 feet northwest of Poplar Creek Road, (5.42 acres), classified within the AR2a district, requested by Jeffrey B. and Lisa B. Amann, owners/developers, Bruce Rainey and Associates, surveyor. (Deferred from meeting of February 27, 2003).

Ms. Fuller stated staff recommends approval with conditions.

At the last meeting there was some concern regarding a letter from the Zoning Administrator and Health Department stating this property would not need a plat. Since that letter was written the Harpeth Valley Utility District has run a water line and therefore the letter is voided.

Project No. Subdivision 2003S-043G-06
Project Name Jeff Amann Subdivision
Associated Cases None
Deferral Deferred from the 2/27/03 agenda for Metro Legal staff to research potential liability for approval of lots on a substandard private road.
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

A request to convert one parcel into one buildable lot.

ZONING **AR2a requiring a minimum lot size of 2 acres.**

SUBAREA 6 POLICY

Natural Conservation (NC) This parcel falls within the Subarea 6 Policy's Natural Conservation (NC) policy.

CODES DEPARTMENT/HEALTH

DEPARTMENT MEMO On October 21, 2001, Sonny West, Zoning Administrator signed a Health Department form indicating that a subdivision plat would not be necessary for this site. He further indicated that the parcel was to be served by a well or a private water line in an easement off Poplar Creek Road. This approval is voided because of the public water main that was run through the ingress/egress easement. This situation requires a subdivision plat. (See exhibit following this report).

SUBDIVISION DETAILS This parcel of land is one of 21 parcels created by deed in 1995. The access for these 21 parcels of land is the extension of an existing private ingress-egress easement from Poplar Creek Road. With the addition of these 21 parcels, there are now approximately 28 parcels that use at least a small portion of this access easement as their sole access from Poplar Creek Road.

Although it is legal to create parcels of land five acres and greater by deed (Subdivision Regulation 3-8.7.A), it does not automatically make them "buildable" lots. If a parcel accesses utilities from a public right-of-way, a subdivision plat is not required. This parcel will obtain water and electric service from common lines that run through the private easement and thus a subdivision plat is required.

Accordingly, the Subdivision Regulation standards for a private street are applicable to creating buildable lots off of this private ingress-egress easement. Private streets are permitted in the natural conservation land use policy, where lots are proposed to be five acres and greater, with certain conditions. Currently this private ingress-egress easement is a gravel base.

SUBDIVISION VARIANCES

Private Streets (Section 2-6.2.1 K.4) This section of the regulations states that no more than 10 lots may be served by a private street or network of streets. If a private street serves six or more lots it is required to be paved with an eight-inch rock base with an asphalt surface or other durable surface.

A joint maintenance agreement is also required that provides each owner is jointly liable for the maintenance of the private street and that each owner can enforce contributions to offset the cost of that maintenance, based on proportionality on the units served by the private street. A joint use agreement was recorded in 1997 for all of the properties using the easement, but it did not address maintenance.

There are currently 12 permitted houses served by the substandard drive located within the private ingress-egress easement. Approval of this subdivision plat would create the thirteenth lot within the entire network. However, this lot would be the 9th lot from Poplar Creek Road.

In 1998, the Council adopted Section 13.10.010 of the Code, which requires private roads to receive Public Works approval as meeting several criteria before they can be accepted as public roads. The criteria include minimum 50-feet of right-of-way, a level pavement base 22-feet in width with six inches of compacted gravel, and the road must serve a minimum of six and maximum of 20 residences. In addition, the ordinance requires that the road must have been "in existence and its location must be on file in the office of the director of public works as of the effective date of the ordinance." It does not appear that the private access easement on this property meets the ordinance's requirements for acceptance as a public road.

Public Works Recommendation This parcel and the adjacent parcels are accessed by a private ingress-egress easement that has a gravel surface. The gravel easement does not meet Metro standards for a private road. It is likely that in the future, the users of this private ingress-egress easement will request Metro to accept dedication of the easement and its improvements. This could place a future burden on the existing homeowners and Metro, therefore, Public Works recommends disapproval as submitted, or adding a condition of approval to achieve compliance with the private roadway standards.

Similar Case **In 1995, the Planning Commission approved a similar subdivision named Fox Hollow Farms (located just west of Old Harding Road on Hwy. 96). Although similar, the Fox Hollow Farms Subdivision had a development entity involved. All of the roadways were approved to be constructed with an eight inch base, a two inch binder and an inch and a half topping (twenty-three feet wide). Restrictive covenants were recorded and a homeowners association established to deal with the future maintenance of the road.**

Liability Implications Metro Legal has stated that liability issues may be raised if a variance is granted to allow a street that does not comply with the Subdivision Regulations or another generally accepted street standard. The street standards are based, in part, on levels of safety and can not easily be waived.

Future Requests Future applications using this shared access easement will be required to upgrade the road to an approved standard for the number of lots that will be served by the road at that location, as required by section 2-6.2.1 K (4). This may involve upgrading the road to public street standards. Future applicants may also be required to join into a joint maintenance agreement with this applicant and any others who follow.

CONDITIONS

1. Staff recommends that, as a condition for approval of the requested buildable lot, the applicant be required to upgrade the existing street to the standard set forth in section 2-6.2.1 K (4) (f) of the Subdivision Regulations for a private road serving more than six lots or less than 10, or other such standard approved by Public Works. This standard is applied because this is the 9th lot from Poplar Creek Road. This requires that the road be paved with an eight-inch rock base with an asphalt surface or other durable surface and be twenty-three feet in width. This improvement will be required from Poplar Creek Road to the point where the main shared access easement intersects with the access drive serving this property (a point approximately 1,450 feet north of Poplar Springs Road).
2. A joint access maintenance agreement will be prepared and signed by the applicant and to be recorded when the next parcel on this joint access easement records a subdivision plat. All future applicants for buildable lots using the private road will be required to sign this joint maintenance agreement.
3. Metro Health Department approval must be indicated on the plat for septic systems prior to recording of the plat.

Mr. Jeff Amann, property owner, stated his concern is the maintenance of the road and possibility of being the only one to sign on to maintain it. There is no real resolve from this study. It will also be very expensive to have the NES poles moved.

Ms. Barbara Stevens stated there are problems living on a dirt road and that someday a road maintenance agreement would be looked at. She complained that her property will suffer more damage if another landowner is allowed to build.

Mr. Jack Wilson asked the Commission to, at some point in the future, draw a line for development, and he asked for help to resolve this situation.

Ms. Beverly Lawson passed around pictures of the road at different locations of lots. She stated she had visited the Fire Department and they had told her there is no way they could get a fire truck up the road.

Mr. Winston Huff, engineer, recommended the Council make decisions to help complete this project.

Mr. Sweat asked Mr. Fox that when the water line was run if that over ruled a well.

Mr. Fox stated it did.

They can subdivide, but the roads have to be brought up to the standards of private roads. The Metro Government can't be in the business of approving roads that are sub standard.

Ms. Jones stated timing played a big issue in this case and that she wants to make sure the next homes that want to go in are included in the road maintenance.

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

Resolution No. 2003-101

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-043G-06, is **APPROVED WITH CONDITIONS (8-0)**.

Staff recommends approval subject to the following conditions:

1. Staff recommends that, as a condition for approval of the requested buildable lot, the applicant be required to upgrade the existing street to the standard set forth in section 2-6.2.1 K (4) (f) of the Subdivision Regulations for a private road serving more than six lots or less than 10, or other such standard approved by Public Works. This standard is applied because this is the 9th lot from Poplar Creek Road. This requires that the road be paved with an eight-inch rock base with an asphalt surface or other durable surface and be twenty-three feet in width. This improvement will be required from Poplar Creek Road to the point where the main shared access easement intersects with the access drive serving this property (a point approximately 1,450 feet north of Poplar Springs Road).
2. A joint access maintenance agreement will be prepared and signed by the applicant and to be recorded when the next parcel on this joint access easement records a subdivision plat. All future applicants for buildable lots using the private road will be required to sign this joint maintenance agreement. Metro Health Department approval must be indicated on the plat for septic systems prior to recording of the plat.”

PLANNED UNIT DEVELOPMENTS (revisions)

18. 151-82-G-06
Harpeth Springs Office Condo's
Map 141, Parcel 87
Subarea 6 (2003)
District 35 (Tygard)

A request for a revision to the preliminary plan and final approval for a phase of the Commercial Planned Unit Development located abutting the south margin of Coley Davis Road and the east margin of Somerset Farms Drive, classified CL, (1.90 acres), approved for a 34,800 square foot office building and proposed for 24,000 square foot office complex, requested by Civil Site Design Group, for Coley Davis One, owner.

Ms. Mitchell stated staff recommends conditional approval.

Project No. Planned Unit Development 151-82-G-06
Project Name Harpeth Springs PUD–Tract 2 Office Condo
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Request to revise the preliminary master plan of the commercial portion of the PUD, as well as for final PUD approval, to allow for the development of a 24,000 square-foot office condo in four 6,000 square-foot buildings, replacing the previously-approved plan which allows for a 34,800 square-foot office building. This Tract 2 of the PUD is located on the southeast corner of the intersection of Coley Davis Road and Somerset Farms Drive.

PLAN DETAILS The previous plan, approved in September 1982, allowed for the development of the 34,800 square-foot office building, centrally located on the site with parking located on the perimeter. The previously-approved plan also provides two points of ingress and egress on to Coley Davis Road and a joint-access drive that provides access to Tract 3, which is currently approved for a 175-unit hotel and restaurant.

The request for Tract 2 proposes to close the joint-access drive between tracts two and three and reduces the points of access to Coley Davis Road by one. This new plan proposes four 6,000 square-foot office buildings with parking located internal to the site, except along Somerset Farms Drive, where perimeter parking is located in the northwest corner of the site and out of the majority of the proposed stormwater management system. The stormwater management system directs all of the stormwater from the northwest corner of the site to the south and over to an outfall structure and drainage easement located on Tract 3 – which is under the same ownership of Tract 2. This plan also provides a seamless network of internal sidewalks and crosswalks for both pedestrians and those in need of special accessibility, as well as providing a connection to the proposed external sidewalks along Coley Davis Road and Somerset Farms Drive.

TRAFFIC ENGINEER'S

FINDINGS Public Works staff required that the following items be addressed on the proposed plan. Not all comments are shown here because some were appropriately addressed:
Provide typical roadway section.
Provide ST-314 (Commercial Concrete Driveway Ramp) on the details sheet.

CONDITIONS

In lieu of a required 6-foot wall or fence, staff is recommending that the applicant utilize an alternative design standard, as allowed under the PUD standards of the Metro Zoning Code. The applicant must provide additional shrubs and trees along the entire width of the southernmost portion of the parking area. This supplemental vegetation must be additional to any required buffer yard and perimeter plantings. Final determination of the amount of supplemental plantings will be determined by the Urban Forester and Planning Department staff. The applicant must post a landscape bond for this supplemental vegetation. This bond, the dollar amount of which is to be determined by the Urban Forester, will be held until final review of a tree survey by the Urban Forester. This tree survey will determine whether existing vegetation may suffice for the supplemental vegetation if properly protected and preserved, or if the existing material is poor in quality and might be damaged by construction activities. Should the existing vegetation be deemed poor in condition, or if it is found that there is no practical way of preserving the vegetation, then both shrubs and trees must be planted in accordance with the pre-determined supplemental planting plan. Mechanical equipment, antennae or satellite dishes exceeding eighteen inches in diameter shall not be located within required landscape buffer yards or required front or side setbacks. Mechanical equipment or satellite dishes exceeding eighteen inches in diameter located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.

Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets or properties which are zoned or policied for residential use. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six feet in height. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity.

Provide typical roadway section.

Provide ST-314 on the details sheet.

A final plat needs to be recorded before the issuance of any building permits.

Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.

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.

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

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.

Mr. Anthony Shea complained about the existing common area not being accessible to the neighborhood and asked the Commission to look out for the citizen's best interest.

Mr. Rob Porter, Civil Site Design Group, spoke in favor of the proposal and stated the development would be very residential looking.

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

Resolution No. 2003-102

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 151-82-G-06 is **APPROVED WITH CONDITIONS (8-0)**. The following conditions apply:

1. In lieu of a required 6-foot wall or fence, staff is recommending that the applicant utilize an alternative design standard, as allowed under the PUD standards of the Metro Zoning Code. The applicant must provide additional shrubs and trees along the entire width of the southernmost portion of the parking area. This supplemental vegetation must be additional to any required buffer yard and perimeter plantings. Final determination of the amount of supplemental plantings will be determined by the Urban Forester and Planning Department staff. The applicant must post a landscape bond for this supplemental vegetation. This bond, the dollar amount of which is to be determined by the Urban Forester, will be held until final review of a tree survey by the Urban Forester. This tree survey will determine whether existing vegetation may suffice for the supplemental vegetation if properly protected and preserved, or if the existing material is poor in quality and might be damaged by construction activities. Should the existing vegetation be deemed poor in condition, or if it is found that there is no practical way of preserving the vegetation, then both shrubs and trees must be planted in accordance with the pre-determined supplemental planting plan.
2. Mechanical equipment, antennae or satellite dishes exceeding eighteen inches in diameter shall not be located within required landscape buffer yards or required front or side setbacks. Mechanical equipment or satellite dishes exceeding eighteen inches in diameter located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.
3. Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets or properties which are zoned or policied for residential use. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six feet in height. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity.
4. Provide typical roadway section.
5. Provide ST-314 on the details sheet.
6. A final plat needs to be recorded before the issuance of any building permits.

7. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.

8. 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.

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

10. 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 re-approval by the Planning Commission.”

ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:35 p.m.

Chairman

Secretary

Minute approval this 27th day of March 2003

