

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: March 15, 2001
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Douglas Small, Vice Chairman
Frank Cochran
Tonya Jones
William Manier
Ann Nielson
Vicki Oglesby
Councilmember Phil Ponder

Absent:

Mayor Bill Purcell
Marilyn Warren
James Lawson, Chairman

Staff Present:

Richard C. Bernhardt, Executive Director
Ann Hammond, Director of Planning
Jeff Lawrence, Director of Operations
Carolyn Perry, Administrative Assistant II
Jennifer Regen, Planner III
John Reid, Planner II
Robert Leeman, Planner II
Chris Wooton, Planning Technician I
Jerry Fawcett, Planning Division Manager
Sherry Williams, Planner III
Ryan Latimer

Others Present:

Jim Armstrong, Public Works
Chris Koster, Mayor's Office

Chairman Small called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

Item 2000S-186G-06, Lexington Point, Section 1 has been withdrawn.
Remove item 2 under Other Business, Update on Council re-districting process (Sherry Williams).

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

APPROVAL OF MINUTES

Nielson moved and Manier seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of March 1, 2001.

RECOGNITION OF COUNCILMEMBERS

Councilmember Melvin Black spoke in favor of PUD Amendment 77-87-P-03, Nocturne Forest.

Councilmember J. B. Loring spoke in favor of Zone Change Proposal 2001Z-029U-14.

Councilmember Ron Turner requested item 2001Z-033U-10 to be deferred and spoke in opposition to Subdivision Proposal 2000S-380G-10, Gardner Family Property.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS

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

- 2001Z-033U-10 Deferred until April 12, 2001, by applicant.
- 99S-300G-06 Deferred indefinitely, by applicant.
- 2000S-026G-14 Deferred two weeks, by applicant.
- 47-86-P-02 Deferred two weeks, by applicant.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

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

ZONE MAP AND PUD AMENDMENTS

- 2. 2001Z-028G-03**
Map 39, Parcels 75 (2.33 acres) and 178 (.84 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from CL to AR2a district properties at 5046 Clarksville Pike and Clarksville Pike (unnumbered), approximately 500 feet east of Dry Fork Road (3.17 acres), requested by Robert E. Sellers, appellant, for Robert E. Sellers et ux, owners.

Resolution No. 2001-115

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-028G-03 is **APPROVED (7-0)**:

These properties fall within the Subarea 3 Plan's Natural Conservation (NC) policy calling for protection of the area's steep hillsides and floodplains and very low residential density at up to 4 units per acre. The AR2a district is consistent with that policy and the established zoning pattern to the east."

- 3. 2001Z-029U-14**
Map 95-7, Parcel 128
Subarea 14 (1996)
District 15 (Loring)

A request to change from R20 to R10 district property at 288 McGavock Pike, approximately 250 feet north of Cloverdale Road (.74 acres), requested by Robert Pittman, appellant, for Robert L. Jr. and Rosa Bell Pittman, owners.

Resolution No. 2001-116

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-029U-14 is **APPROVED (7-0)**:

This property falls within the Subarea 14 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The R10 district is consistent with that policy and the predominant zoning pattern east and west of McGavock Pike. The R10 district is also appropriate for the remaining R20 zoned properties along McGavock Pike between the TVA line and Cloverdale Road since those properties have frontage along a major road and relatively flat topography."

FINAL PLAT SUBDIVISIONS

- 10. 2001S-001G-06**
Hunters Trail, Lot 3
Map 101, Parcel 187
Subarea 6 (1996)
District 23 (Bogen)

A request for final plat approval to subdivide one parcel into two lots abutting the northwest margin of Gower Road, approximately 868 feet north of Hickory Trail Drive (6.01 acres), classified within the AR2a District, requested by Douglas and Shelia Pillow, owners/developers, Steven E. Artz and Associates, Inc., surveyor.

Resolution No. 2001-117

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-001G-06, is **APPROVED SUBJECT TO A BOND FOR \$10,000 (7-0)."**

- 11. 2001S-033U-14**
Jackson Downs, Phase 4
Map 85, Parcel 91 and Part of Parcel 55
Subarea 14 (1996)
District 14 (Stanley)

A request for final plat approval to subdivide one parcel and part of one parcel into two lots abutting the southeast corner of Lebanon Pike and Jackson Downs Boulevard (20.34 acres), classified within the R8 and CL Districts, requested by John J. Kuczma, Jr., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 2001-118

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-033U-14, is **APPROVED SUBJECT TO A BOND FOR \$85,500.00 (7-0).”**

12. 2001S-044U-13

Nashboro Village, Tracts 8-10, 1st Revision
of Lots 96 and 124-126
Map 135-16-A, Parcels 63, 64, 65 and 80
Subarea 13 (1996)
District 28 (Alexander)

A request for final plat approval to reconfigure four lots abutting the southeast margin of Somerset Drive and the northeast margin of Mesa Drive (1.05 acres), classified within the R10 Residential Planned Unit Development District, requested by Business Aircraft Leasing, Inc. and Charles Mulle, Jr., owners/developers, Alpha 2000 Group, LLC, surveyor.

Resolution No. 2001-119

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-044U-13, is **APPROVED (7-0)”**

PLANNED UNIT DEVELOPMENTS (revisions)

16. 184-84-U-10

Abbotsford
Map 117-13, Parcel 98
Subarea 10 (1994)
District 34 (Williams)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Planned Unit Development District located on the south margin of Abbott Martin Road, opposite Sugartree Place (7.98 acres), classified R10, to develop 25 single-family units, where 25 single-family units were approved on the preliminary, requested by Littlejohn Engineering Associates, for Frank R. Leau Revocable Trust, owner, and Landstar Development, LLC, optionee. (Also requesting final plat approval for 49 single-family units in two phases of the PUD).

Resolution No. 2001-120

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 184-84-U-10 is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY PUD PLAN AND FINAL PUD APPROVAL FOR A PORTION; FINAL PLAT APPROVAL FOR A PORTION SUBJECT TO POSTING OF A BOND IN THE AMOUNT OF \$333,500.00 (7-0).** The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including all necessary bonds for public improvements, and including an approximately 900 foot long, five foot wide public sidewalk along this project’s frontage on Abbott Martin Road.

3. Prior to the issuance of any building permits, the applicant shall submit a final plat to the Planning Commission for review and approval showing the proposed 25 single-family units as condominium lots in a horizontal property regime on that final plat. The final plat shall show all open space areas and roadways as private access easements, and public utility and drainage easements, in conformance with this preliminary PUD plan.
4. 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.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. This final plat approval will expire after 180 days have lapsed if the conditions of approval (if applicable) have not been satisfied and plat recorded in the Register's Office of Davidson County, Tennessee. Upon any resubmittal of a final subdivision plat, all applicable fees shall be due.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
8. 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.
9. 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."

17. 14-85-P-13
 Big K Express
 Map 149, Parcel 321
 Subarea 13 (1996)
 District 28 (Alexander)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the southwest margin of Murfreesboro Pike at Shiway Drive (1.55 acres), classified R15, to develop a 1,680 square foot convenience market/gas station, requested by L. D. Reeves and Associates, for K-mart Corporation, owner.

Resolution No. 2001-121

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 14-85-P-13 is given **CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY PUD PLAN (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. 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.

3. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the staff of the Metropolitan Planning Commission.

19. 84-87-P-13
The Crossings
Map 163, Parcel 339
Subarea 13 (1996)
District 28 (Alexander)

A request to revise the preliminary plan for a portion of the Commercial (General) Planned Unit Development District located abutting the south margin of Mt. View Road at Crossings Boulevard (9.32 acres), classified R10, to permit a 68,530 square foot retail building and to create two new driveways to Mt. View Road, opposite Belle Forge Lane Parkway, replacing an undeveloped 69,000 square foot commercial building, requested by Gresham, Smith and Partners, for TSC Realty Capital, L.P., owner.

Resolution No. 2001-122

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Any request for final PUD approval shall include construction plan for the addition of a 340 long center turn lane between the two proposed driveways on Mt. View Road, as required by the Metropolitan Traffic Engineer.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. If you are anticipating underground telephone and electrical service, it is suggested that Intermedia Cablevision be contacted for coordinating their cable installation.”

MANDATORY REFERRALS

21. 2001M-026U-08
Closure of a Portion of Indiana Avenue
Map 91-12, Parcels 219, 220 and 298
Subarea 8 (1995)
District 21 (Whitmore)

A request to close the unused portion of Indiana Avenue beginning at the intersection of 42nd Avenue North to the western terminus at parcel 298, tax map 91-12, requested by John W. Moore, Jr. appellant, for Lumberman's Wholesale Distributors, Inc., abutting property owner. Easements are to be retained.

Resolution No. 2001-123

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-026U-08 is **APPROVED (7-0).**"

22. 2001M-028U-10

Aerial Encroachment for Renaissance Tile & Bath
Map 092-012, Parcel 494
Subarea 10 (1994)
District 19 (Wallace)

A request to install two banners and three awnings for Renaissance Tile & Bath at 1625 Broadway, where the two banners will measure 9' in length, at a height of 9' above the sidewalk, encroaching 3' 5" over the public sidewalk, and three awnings over one door and two windows, all measuring 33" in height, with widths of 12' 3" , 13' 6" , and 12' at a height of 10' 4" above the sidewalk, encroaching 8" to 12" over the public sidewalk, requested by Lindsey Capps or Renaissance Tile & Bath, appellant, Broadway Properties, L.P., owner.

Resolution No. 2001-124

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001M-028U-10 is **APPROVED (7-0).**"

This concluded the items on the consent agenda.

PUBLIC HEARING

ZONING MAP and PUD AMENDMENTS

1. 77-87-P-03

Nocturne Forest
Map 70-3, Parcel 40 and Part of Parcel 2
Subarea 3 (1998)
District 2 (Black)

A request to amend the preliminary plan for Phases 2 and 3 of the Residential Planned Unit Development District located abutting the northeast margin of Old Buena Vista Road, approximately 1,200 feet north of West Trinity Lane (5 acres), classified RS15, to redesign a portion of the single-family lots in Phase 2, currently under construction, and to redesign a portion of Phase 3 to eliminate a road connection to Old Buena Vista Road, through a parcel that is undeveloped and approved for 33 multi-family units, requested by Ragan-Smith Associates, Inc., for Chateau Associates, LTD, owner (Deferred from meeting of March 1, 2001).

Mr. Leeman stated this request is to amend a portion of phases 2 and 3 of the preliminary PUD plan. If the street connection to Old Buena Vista Road is not made, it will force more traffic onto Whites Creek Pike, a major arterial, and create more congestion at the Whites Creek Pike/Trinity Lane intersection. The Traffic Engineer has indicated that this public street connection is important to disperse traffic and utilize the existing traffic signal at the Trinity Lane/Old Buena Vista intersection.

Staff is recommending disapproval since this plan is not consistent with the approved preliminary plan, and because there is no topographic or other property hardship to justify removing this connection. A street connection will increase public safety both for this PUD and the Chateau Valley PUD to the north by providing residents and emergency vehicles an alternative access point.

Ms. Nielson stated the public hearing was closed at the last meeting.

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

Councilmember Black expressed concerns regarding the inadequate streets for handling the amount of cut through traffic that would use the roads in the existing subdivision.

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

Ms. Oglesby agreed with staff that the street should be connected for safety reasons and for emergency equipment access. Mr. Manier concurred.

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

Resolution No. 2001-125

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 77-87-P-03 is **DISAPPROVED (7-0)**:

REASONS FOR RECOMMENDATION OF DISAPPROVAL:

This plan is not consistent with the approved preliminary plan and there is no topographic or other property hardship to justify removing the street connection to Old Buena Vista Road. A street connection will increase public safety both for this PUD and the Chateau Valley PUD to the north by providing residents and emergency vehicles an alternative access point. Closure of this street would force 93 lots within this PUD to have one access point via Whites Creek Pike.”

5. 2001Z-037G-03

Map 40, Parcels 24 (1.99 acres) and 161 (1.03 acres)
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from R15 to CL district properties at 7417 and 7421 Old Hickory Boulevard, approximately 1,300 feet west of I-24 (3.02 acres), requested by Jeff Raveling, appellant, for Jeffrey C. and Cynthia Ann Raveling, owners.

Mr. Reid stated staff is recommending disapproval because these properties fall on the boundary between the Subarea 3 Plan’s Commercial Mixed Concentration policy around the I-24/Old Hickory Boulevard interchange and Residential Medium policy to the west. It is premature to rezone this property since there is ample commercial opportunities across the street in the commercial PUDs to the south. When the existing commercial opportunities have been exhausted, then additional CL zoning may be appropriate.

Mr. Jeff Raveling, owner, spoke in favor of the proposal. Staff feels the property toward the interstate should be used first and that is not fair. He stated he owned his own printing business and he wanted to move to that location.

Ms. Dolly Keen spoke in opposition to the proposal and stated the property should remain residential.

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

Ms. Nielson stated the property should not be rezoned because eventually the property could be sold and used for other more evasive businesses.

Ms. Jones stated concerns regarding having a citizen that wants to put his business on his own property and having the Commission telling him to sale his property and use available property somewhere else.

Mr. Manier and Mr. Small agreed this proposal would not fit in with the subarea plans policy for the area.

Councilmember Ponder disagreed and stated this proposal sounded like a legitimate request.

Mr. Cochran moved and Councilmember Ponder seconded the motion, which carried with Councilmember Ponder, Ms. Jones, Mr. Cochran and Vice Chairman Small in favor and with Ms. Oglesby, Mr. Manier and Ms. Nielson in opposition to approve the following resolution:

Resolution No. 2001-126

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2001Z-037G-03 is **APPROVED (4-3)**:

These properties fall within the Subarea 3 Plan's Commercial Mixed Concentration (CMC) policy calling for office, retail, and higher density residential uses around the I-24/Old Hickory Boulevard interchange. The CL district is consistent with that policy and the predominant commercial zoning pattern to the east and south."

FINAL PLAT SUBDIVISIONS

- 9. 2000S-380G-10**
Gardner Family Property
Map 159, Parcel 76
Subarea 10 (1994)
District 33 (Turner)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Oman Drive, approximately 915 feet east of Granny White Pike (2.26 acres), classified within the R40 District, requested by Gardner Family Partners, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Ms. Hammond stated this request had originally traced for the 12/07/00 agenda. However, a determination was made that no variances would be required and that staff could approve this plat administratively. Therefore, the two lot subdivision was approved and recorded on 12/11/00. Subsequently, neighbors questioned the administrative approval of this plat, suggesting that a variance by the Planning Commission should have been sought before plat approval.

Staff has reviewed the neighbors' position and agrees, finding that a variance to the Subdivision Regulation is, in fact, required in order for the subdivision to be approvable. The Subdivision Regulations state that each lot's depth cannot be more than four times its width. Lot two of the subdivision exceeds this 4:1 ratio since it is 566.89 feet deep and 50.12 feet wide at Oman Drive.

Approval of the plat by the Planning Commission would therefore require a variance to Section 2-4.2.E, the maximum 4:1 lot depth to width ratio, and a finding that a flag lot is justified in this instance.

While staff regrets that the Gardner plat was initially approved in error, we have seen no compelling evidence to support a variance to the lot depth to width ratio, nor any unique features that argue for the approval of a flag lot in this location since the original lot reflects the general pattern of existing lots along Oman Drive. Therefore, staff recommends disapproval of the plat on the basis that it fails to conform to the standards of the Subdivision Ordinance.

Mr. Manier questioned the legality of revoking the approval.

Mr. Fox stated the Commission did have that authority.

Mr. Luther Cantrell, attorney representing the property owner, gave some history of the property and stated there was a discrepancy in the measurements of the lots as compared to the staff information

Ms. Allie Fraley, Mr. Luther Foster, Mr. Amos Wilson, Ms. Dorothy Foster and Mr. Jerry Whitehurst, spoke in opposition to the proposal.

Mr. Mark Neil, area resident, spoke in favor of the proposal.

Mr. Mike Anderson, Anderson-Delk and Associates, explained the procedures they had gone through and stated they had done everything they were supposed to do. He stated this has been approved and is in record and asked the Commission uphold the approval.

Mr. Don Logan, property owner, spoke in favor of the proposal.

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

Ms. Nielson asked when one of the nearby flag shaped lots had been approved.

Ms. Hammond stated it was approved administratively in November of 2000.

Mr. Manier stated it was his understanding this type subdivision was not to be approved administratively.

Mr. Fox stated the Subdivision Regulations say this particular proposal was eligible for administrative approval.

Ms. Oglesby stated she was not in favor of the approval.

Ms. Jones stated the document was signed and that it should stand.

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

Resolution No. 2001-127

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2000S-380G-10, is **DISAPPROVED (6-1).”**

13. 2001S-073G-14
Stafford Hill Subdivision, Resubdivision of Lot 1
Map 97, Parcels 146 and 149
Subarea 14 (1996)

District 12 (Ponder)

A request for final plat approval to consolidate two lots into one lot abutting the south margin of Hoggett Ford Road, approximately 2,840 feet west of Dodson Chapel Road (5.0 acres), classified within the RS15 District, requested by Thomas M. and Melissa McNamee, owners/developers, Raymond E. Binkley, surveyor.

Mr. Leeman stated staff recommends approval subject to a variance for exceeding three times the minimum lot size.

This is a request for final plat approval to consolidate two lots into one lot on 5.0 acres within the RS15 district. These lots were originally platted in 12/97. The applicant is requesting the consolidation of the two lots to allow one single-family home to be located on this property. The Subdivision Regulations allow a maximum lot size of 45,000 square feet in an RS15 zoning district, however, they also allow the Commission the ability to approve a variance of this nature when private sewage disposal systems are utilized. Septic sewerage disposal systems are in place on these lots currently. Both lots are utilizing septic fields that have been approved by the Health Department. Staff recommends approval with a variance to Section 2-4.2D of the Subdivision Regulation.

Ms. Melissa McNamee spoke in favor of the proposal.

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

Resolution No. 2001-128

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2001S-073G-14, is **APPROVED (7-0)”**

14. 149-69-G-04
Rivergate Mall (Jewelry Store)
Map 34-2, Parcel 67
Subarea 4 (1998)
District 10 (Balthrop)

A request to revise the preliminary plan for a portion of the Commercial (General) Planned Unit Development District located abutting the east margin Two Mile Parkway, opposite Glancy Street (1.25 acres), classified SCR, to permit a 5,865 square foot retail jewelry store, replacing a 5,535 square foot restaurant, requested by Ragan-Smith and Associates, for Shoney's Inc., owner.

Mr. Leeman stated staff recommends conditional approval.

This request is to revise the preliminary plan for a portion of the Commercial (General) PUD district to permit a 5,865 square foot retail jewelry store, replacing an existing 5,535 square foot restaurant. Although this proposal increases the floor area on this portion of the PUD by 330 square feet, it does not exceed 10% of the square footage last approved by the Metro Council for the overall PUD plan. The proposed building is in approximately the same location as the existing building and will have a front door oriented toward Two Mile Parkway and a rear door oriented toward the mall. The site can be accessed through a driveway in the mall, or from Two Mile Parkway. The proposed plan relocates the existing driveway on Two Mile Parkway eighty feet to the south, while maintaining the existing joint access driveway to the restaurant on parcel 66 to the north. There is currently no landscaping on this site since it was originally developed under the previous Zoning Ordinance. This revision will bring the site into conformance with the current landscaping requirements. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting.

Small stated he asked for these to be pulled because of the square footage and the conditional sidewalk on Gallatin road and the fact none required on Two Mile Pike.

Mr. Leeman explained the square footage requirement and stated there were already sidewalks on Two Mile Pike.

No one was present to speak at the public hearing.

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

Resolution No. 2001-129

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 149-69-G-04 is given APPROVAL OF A REVISION TO PRELIMINARY PUD PLAN AND CONDITIONAL FINAL PUD APPROVAL FOR A PHASE (7-0). The following conditions apply:

1. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any building permits, a revised subdivision plat shall be recorded or an instrument shall be recorded to relocate the existing access easement from Two Mile Parkway to the adjacent property to the north on Map 34-2 Parcel 67.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

15. 149-69-G-04
Rivergate Mall (Restaurants)
Map 26-14, Part of Parcels 23 and 48
Map 34-02, Part of Parcel 77
Subarea 4 (1998)
District 10 (Balthrop)

A request to revise the preliminary plan for a portion of the Commercial (General) Planned Unit Development District located abutting the north margin of Gallatin Pike, opposite Twin Hills Drive (2.65 acres), classified SCR, to permit a 3,812 square foot restaurant and a 9,366 square foot restaurant in a

portion of a parking area, requested by Barge, Waggoner, Sumner and Cannon, for CBL & Associates Management, Inc.

Mr. Leeman stated staff recommends conditional approval.

This request is to revise a portion of the preliminary PUD plan of the Commercial (General) PUD district to permit a 3,812 square foot restaurant and a 9,366 square foot restaurant in an area currently containing excess parking spaces for the mall. The plan proposes one joint access driveway for the two restaurants with access from the existing loop road around the mall. No access is proposed from Gallatin Pike. Although this proposal increases the floor area on this portion of the PUD by 13,178 square feet, it does not exceed 10% of the total square footage last approved by the Metro Council for the overall PUD plan. In order to bring this site into compliance with the current regulations, this plan will be conditioned that sidewalks be installed along the frontage of Gallatin Pike. The final PUD plan will provide the exact location of the sidewalk. The Traffic Engineer has indicated that no off-site traffic improvements will be required. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting.

No one was present to speak at the public hearing.

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

Resolution No. 2001-130

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 149-69-G-04 is given **CONDITIONAL APPROVAL FOR A REVISION TO PRELIMINARY FOR A PHASE (7-0)**. The following conditions apply:

1. Prior to the issuance of any building permit, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. With any request for final approval, the site plans shall include a 5-foot side walk along Gallatin Pike between the two driveways forming the area of the two restaurants in accordance with the Metro Zoning Regulations.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.”

PLANNED UNIT DEVELOPMENTS (revisions)

20. 2000P-003G-06
Riverwalk, Phase 1
Map 126, Part of Parcels 67 and 68
Subarea 6 (1996)
District 23 (Bogen)

A request to revise a phase of the preliminary plan and for final approval for Phase One of the Planned Unit Development District located abutting the both sides of Newsom Station Road, south of Highway 70

south (77.05 acres), classified RS15, to develop 157 single-family lots, replacing 169 lots on this portion of the PUD, and to revise the phasing plan, requested by CS Civil Site Design Group, for CPS Land, LLC, owner.

Mr. Leeman stated staff recommends conditional approval with a variance to Section 2-6.1 of the Subdivision Regulations for sidewalks on both sides of the street.

This request is to revise a portion of the preliminary plan and for final approval for a phase of the PUD district located along Newsom Station Road, south of Highway 70 South, to develop 157 single-family lots, replacing 169 single-family lots, and to revise the phasing plan. The preliminary plan was approved with 491 single-family lots and 61 townhomes (552 total units). The proposed plan reduces the number of single-family lots on the south side of the CSX railroad tracks, and slightly redesigns the proposed lot and street configuration for this section. The applicant has indicated that they are requesting a variance to Section 2-6.1 of the Subdivision Regulations, which requires sidewalks on both sides of the street. Staff recommends conditional approval provided Public Works approves the construction plans for the roads and the drainage plans prior to the Planning Commission meeting.

Although the preliminary PUD plan was approved in June of 2000 with sidewalks on one side of the street, the Subdivision Regulations were changed in December of 2000, requiring sidewalks on both sides of the street. A PUD plan is not grandfathered until the Planning Commission has approved a final plat for the first phase, and since there is no final plat approved for this PUD, the new Subdivision Regulations apply. Staff recommends approval of the variance request since it will help to preserve more of the natural features of the site and since a portion of this site has cross-slopes of greater than 9%. The applicant contends that providing only one sidewalk will reduce the amount of grading. In lieu of the sidewalk, this plan provides an 8-foot wide paved trail that extends from the entrance all the way to the one-mile long greenway trail along the Harpeth River. This trail will serve as a pedestrian link to access the greenway trail. Staff has reviewed the overall sidewalk/trail plan and we support the proposed pedestrian linkages throughout this PUD.

No one was present to speak at the public hearing.

Vice Chairman Small expressed concerns regarding not requiring sidewalks.

Mr. Leeman stated the sidewalks would be difficult to construct because of the topography and that the developer was willing to do a pedestrian trail to connect to the greenways in the area.

Ms. Hammond stated it was difficult for staff to judge the topography without computer generated diagrams.

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

Resolution No. 2001-131

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 2000P-003G-06 is given CONDITIONAL APPROVAL TO REVISE A PORTION OF THE PRELIMINARY AND FINAL PUD APPROVAL FOR PHASE I (7-0). The following conditions apply:

1. Prior to the issuance of any building permits for any phase, a final plat shall be recorded with the first phase, including all necessary bonds for road improvements, and including the following off-site road improvements and land dedication:
 - A. An eastbound left-turn lane from Newsom Station Road into the project site with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.

- B. A right-turn lane from McCrory Lane onto Newsom Station Road with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
 - C. A right-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
 - D. A left-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
 - E. Widening Newsom Station Road to rural collector standards with 20 feet of pavement width and 8 foot wide shoulders on each side of the road from the Riverwalk project entrance to the Boone Trace PUD entrance, with varying shoulder widths as approved by the Metro Traffic Engineer and in conformance with the approved construction plans. This improvement will include the straightening of the 90 degree curve in the road, the reverse curve, and will utilize the dedicated right-of-way along the frontage of the Boone Trace PUD. This does not include the portion of Newsom Station Road in front of the Lexington Point Subdivision, where a left-turn lane will be constructed by the developer of that site.
 - F. Dedication of 5 feet of right-of-way along the frontage of this site on parcels 67, 68, 70 on tax map 126 and parcel 8.01 on tax map 140.
1. Prior to or in conjunction with the submittal of any final PUD plans, the developer shall submit to the Planning Commission construction plans for all of the Newsom Station Road/McCrory Lane improvements in condition #1 above. Road improvements A, B, C, D and part of E identified in Condition #1 above shall be completed prior to the issuance of the building permit for the 100th unit or lot. This includes the section of Newsom Station Road from the Boone Trace entrance to the beginning of parcel 66 on tax map 126, a distance of approximately 1,440 feet. The remaining improvements to Newsom Station Road will be completed prior to the completion of the 196th unit or lot, excluding the left-turn lane into the Lexington Point Subdivision.
 2. Prior to the completion of Phase 1, and prior to the issuance of the first Use and Occupancy permit in each subsequent phase thereafter, the developer shall conduct traffic count surveys to determine when actual traffic volumes meet signal warrants for a traffic signal at the Newsom Station Road/McCrory Lane intersection. These surveys shall be submitted to the Metro Planning Commission and the Metro Traffic Engineer for review and approval.
 3. Prior to or in conjunction with the submittal of any final PUD plans for Phase 2, the developer shall submit to the Planning Commission construction plans for the entire greenway trail, in conformance with the Metro Parks Department and Public Works specifications.
 4. In conjunction with the submittal of a final plat for Phase 2, the applicant shall indicate on this final plat a permanent conservation easement granting the Metro Government of Nashville and Davidson County a permanent conservation easement for the greenway trail and trailhead, as described in Condition #6 below.
 5. Prior to the issuance of any building permits for Phase 2, a final plat shall be recorded including all necessary bonds for public improvements and the greenway trail. This plat shall also include a conservation easement for the greenway trail, including all of the floodway adjacent to the proposed trail on the site. The plat shall include a 100 foot wide extension of the easement under the TVA lines to the associated trailhead parking lot, as agreed upon by the Metro Parks Department.
 6. Prior to the issuance of a building permit for the 450th unit or lot, the greenway trail shall be completed by the developer and accepted by the Metro Parks Department. The trailhead parking lot, with 16 parking spaces, shall be bonded with the final plat for Phase 4 and completed prior to the issuance of any building permits for Phase 4.
 7. Prior to or in conjunction with the submittal of any final PUD plans for any lots on the north side of the CSX railroad tracks, construction plans, as already approved by the CSX railroad, shall be submitted to the Planning Commission and Public Works for review and approval.

8. Prior to the issuance of any Use and Occupancy permits for any lots on the north side of the CSX railroad tracks, a railroad overpass shall be constructed and approved by the CSX railroad and Metro Public Works Department.
9. In conjunction with any final plat that includes landscaped medians or circular islands, a landscape agreement, requiring the homeowner's association to maintain all medians and islands, shall be submitted to the Planning Commission, and reviewed by the Planning Commission and Public Works Department, for the maintenance of those landscape improvements in that phase. This agreement shall be signed by the Metro Public Works Department prior to the issuance of any building permit for that phase.
10. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
11. 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.
12. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
13. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
14. In accordance with Metro Public Works requirements, the pull-out area on the collector road into the site will be removed from the plan and replaced with a standard curb and gutter."

OTHER BUSINESS

1. Legislative update

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

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 3:15 p.m.

Chairman

Secretary

Minute Approval:
This 29th day of March, 2001

