



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

January 27, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner III
Adriane Harris, Planner II
Bob Leeman, Planner III
Luis Pereira, Planner I
Nekya Young, Planning Tech I
Cynthia Wood, Planner III
Karen Hilton, Community Plans Manager
Mr. Randy Morgan, Planner I

Commission Members Absent:

Doug Small, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:08 p.m.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF JANUARY 13, 2005 MINUTES

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the January 13, 2005 minutes as presented. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto spoke in favor of Item #19 – 2005M-019G-14 which was on the Consent Agenda.

Councilmember Toler acknowledged his request to speak and indicated he would address the Commission after his item was presented.

Councilmember Briley declined his request to speak.

Councilmember Whitson spoke in favor of Items #1, 2 and 3 (2004Z-150U-07, 2004P-036U-07 and 211-73-U-07). He stated that there have been numerous neighborhood meetings over the past year regarding this development and that there has been universal support. He requested that the Commission take action and not defer the proposal.

Councilmember Whitson also spoke in favor of Item 32 – a request to rehear a final plat to subdivide one existing lot into two. He stated several reasons the case should be reheard by the Commission.

Councilmember Dread spoke in support of Items #1, 2 and 3 (2004Z-150U-07, 2004P-036U-07, and 211-73-U-07).

Councilmember Dread spoke in opposition to the request to rehear a final plat to subdivide one existing lot into two. He explained his reasons that the case should not be reheard.

Councilmember Gilmore acknowledged her request to speak and indicated she would address the Commission after her item was presented.

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

- | | | |
|-----|---------------|--|
| 9. | 97S-014U-03 | Forest Vale Subdivision – A request to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal’s Lane, classified within the R15 District – deferred to February 24, 2005 at the request of the applicant |
| 14. | 2005S-026U-05 | Burkett Subdivision – A request for final plat approval to subdivide 1 lot into 2 lots abutting the north margin of Kenmore Place at the north terminus of Oxford Street, with a variance request for sidewalks – deferred indefinitely at the request of the applicant |
| 15. | 2005S-029U-10 | Belle Meade Annex, Subdivision of Part of Lot 29 and all of Lot 30 - A request for final plat approval to create three lots abutting the southeast corner of Hobbs Road and Sneed Road – deferred to February 10, 2005 at the request of the applicant |

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

VI. PUBLIC HEARING: CONSENT AGENDA PREVIOUSLY DEFERRED ITEMS - PRELIMINARY SUBDIVISION PLATS

- | | | | |
|----|---------------|--|------------------------|
| 7. | 2005S-004G-03 | Carrington Place - A request for preliminary plat approval for 129 lots abutting the east margin of Eaton's Creek Road | - Approve/w conditions |
|----|---------------|--|------------------------|

PUBLIC HEARING: ZONING MAP AMENDMENTS

- | | | | |
|-----|---------------|--|-----------|
| 10. | 2005Z-014U-05 | A request to change from R6 to MUN district at property located at 1521 Russell Street | - Approve |
|-----|---------------|--|-----------|

FINAL PLATS

- | | | | |
|-----|---------------|---|-------------------------|
| 13. | 2005S-025G-14 | Hadley’s Bend City - A request for final plat approval to create 2 lots abutting the southeast corner of Main Street and Capitol Street | - Approve w/ conditions |
|-----|---------------|---|-------------------------|

PLANNED UNIT DEVELOPMENTS (revisions)

- | | | | |
|-----|-------------|--|-------------------------|
| 16. | 90P-018U-12 | Nipper’s Corner - A request to revise a portion of the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located Old Hickory Boulevard to permit the development of a 46,031 square foot grocery store, and 8,000 square feet of retail replacing 40,500 square feet of retail, | - Approve w/ conditions |
|-----|-------------|--|-------------------------|

- | | | | |
|-----|---------------|--|-------------------------|
| 17. | 2004P-017U-10 | restaurant and movie theater uses
Parkview Circle - A request for final approval for a Planned Unit Development district located at 4302 Parkview Circle, to develop two single-family lots | - Approve w/ conditions |
| 18. | 2004P-027G-06 | Bellevue KFC - A request for Final approval for a Planned Unit Development district located abutting the south side of Highway 70 S, to permit a 3,125 square foot fast-food restaurant | - Approve w/ conditions |

MANDATORY REFERRALS

- | | | | |
|-----|---------------|---|-----------|
| 19. | 2005M-019G-14 | Renaming John Hager Road as "John Hagar Road," | - Approve |
| 20. | 2005M-021U-09 | Approving a parking agreement between the Metropolitan Government and Stahlman Redevelopment Partners, LLC, for the use of up to 175 parking spaces for a fee in the new courthouse parking garage currently under construction | - Approve |
| 21. | 2005M-022G-14 | Easement acquisition at 345 Swinging Bridge Road | - Approve |
| 22. | 2005M-023U-14 | Easement acquisition at 1654 Elm Hill Pike | - Approve |
| 23. | 2005M-024U-11 | Easement acquisition at 4285 Sidco Drive | - Approve |
| 24. | 2005M-025U-10 | Easement acquisition at Park Drive (unnumbered) and West End Avenue (unnumbered) | - Approve |
| 25. | 2005M-026U-12 | Easement acquisition at 1631 Bell Road | - Approve |
| 26. | 2005M-027G-06 | Easement acquisition at 7121 Highway 70 South | - Approve |
| 27. | 2005M-028U-07 | Easement acquisition at 5302 Pennsylvania Avenue | - Approve |

OTHER BUSINESS

28. New Employee Contract for Jason Swaggart - Approve
29. Administrative approval of mandatory referrals – Approve
30. An ordinance approving Amendment No. 2 to the Five Points Redevelopment Plan, requested by MDHA (2005M-033U-05) - Approve
31. Grant Agreement between the State of Tennessee Department of Transportation and the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization for FY2005 Transit Planning Coordination – Approve

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

VII. SUBAREA PLAN AMENDMENT FOR SUBAREA 7 PLAN: 1999 UPDATE

Staff Recommendation - Defer to the February 10, 2005 meeting to allow additional time for staff to continue working with the applicant.

APPLICANT REQUEST - Change the land use policy from Residential Medium High Density (RMH) to Commercial Mixed Concentration (CMC) for approximately 49 acres for property located between the north margin of Charlotte Pike and the south margin of I-40 (6810 and unnumbered Charlotte Pike and unnumbered Annex Avenue).

Existing Land Use Policy - Residential Medium High Density
RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments

Proposed Land Use Policy - Commercial Mixed Concentration
CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Mr. Bernhardt clarified that the request to defer also includes Items #1, 2 and 3 (2004Z-150U-07, 2004P-036U-07 and 211-73-U-07).

Mr. Lawson requested that Items #1, 2 and 3 be presented to the Commission due to the fact that staff is recommending deferral of these items.

Ms. Fuller presented Items #1, 2 and 3 (2004Z-150U-07, 2004P-036U-07 and 211-73-U-07) and stated that staff is recommending deferral to February 24, 2005 to allow additional time for staff to work with the applicant.

Mr. Mark McDonald, 3841 Grove Hills Village Drive, spoke in opposition to the deferral and in favor of the proposal.

Mr. Bill Vaughn, 153 Valley Forge, spoke in opposition to the deferral and in favor of the proposal.

Mr. Ron Samuels, 405 Georgetown Drive, spoke in favor of the development.

Mr. Bill Oldacre, 3841 Greens Hills Village Drive, spoke in favor of the development.

Mr. Bob Murphy, 214 Centerview Drive, spoke in opposition to the deferral and in favor of the development.

Ms. Cummings arrived at 4:40 p.m.

Mr. Ed Gillum, 507 West Meade Drive, spoke in support of the development.

Ms. Leslie Maclellan, 515 West Hillwood Drive, spoke in support of the development.

Mr. Tom Baker, 6811 Fleetwood Drive, spoke in support of the development.

Ms. Fay Delk, 6680 Charlotte Pike, spoke in opposition to the development.

Mr. Ron Pierce, 102 Demoss Road, spoke in support of the development.

A resident of the West Meade area spoke in support of the development.

Mr. Timmy Miller, 6729 Currywood Road, spoke in support of the development.

Mr. Ron McPherson, 8205 Spring Ridge Drive, spoke in support of the development.

Mr. Troy Evans, 436 Annex Avenue, spoke in support of the development.

Mr. Jimmy Webb, a Hillwood resident, spoke in support of the development.

Mr. Mike McGuffin, developer, spoke in opposition to the deferral and in favor of the development.

Mr. Gary Parks, 4411 Truxton Place, spoke in support of the development.

Mr. Tom White, Tune, Entrekin & White, spoke in favor of the proposal.

Ms. Tina Atkinson, 729 West Meade Drive, spoke in favor of the development.

Mr. Kelly Lewis, spoke in favor of the development.

Mr. Loring spoke in support of the proposal. He acknowledged the positive work completed by the Councilpersons representing this area. He stated that the development would enhance the area and moved to have it approved.

Ms. Jones requested clarification on information pertaining to Parks and Stormwater Management and their association to this proposal. She spoke in favor of the development and seconded the motion to approve.

Ms. Nielson requested clarification on the reason staff was recommending deferral.

Ms. Fuller explained that staff was recommending deferral to allow additional time to work with the developer on finalizing various ideas and concepts included in the proposal.

Mr. McLean requested clarification on the residential units included in the proposal.

Ms. Fuller indicated that the plan includes 24 residential units and that staff wanted the developer to include more residential usage due to the area being residential, medium-high and it was staff's intention to have more diverse housing included in the proposal.

Mr. Clifton requested clarification on how the developer would address the issues of additional light and noise and their affects on those who currently live in the area.

Mr. Don Kendall, Newton, Old Acre & McDonald, explained how these issues would be handled and/or addressed in association with construction and the final phases of the development.

Mr. Clifton confirmed with the developer that the residential meetings regarding this development would continue to address the issues associated with it.

Mr. Clifton requested clarification on the residential component of the project.

Mr. Kendall explained that the residents were not in support of additional residential units due to comparability issues and that they were in support of a full commercial development.

Ms. Cummings acknowledged that there could be more residential units included in the proposal. However, due to the support of both Council members and the neighborhood, she would be in favor of approving the development.

Mr. Tyler spoke in support of the concept. He requested clarification on staff's "meaningful housing component" that was mentioned in the staff report.

Mr. Bernhardt explained that this proposal does not support the concept of a lifestyle center due to the fact that it does not contain the proper number of residential units to make it one. He continued by stating that the developer acknowledged the requests of the community who were in support of a commercial development with a limited number of residential units.

Mr. Ponder spoke in support of the proposal. He commented on the all positive feedback regarding the development.

There was a brief discussion regarding the development plan and its fundamental components.

Mr. Loring moved, and Ms. Jones seconded the motion to adopt the amendment to the Subarea Plan 7 Plan: 1999 Update and to approve Zone Change 2004Z-150U-07, Planned Unit Development 2004P-036U-07 and Planned Unit Development 211-73-U-07 as submitted by the applicant. **(8-1) No Vote – Tyler**

[Note: The Subarea Plan Amendment for Subarea 7: 1999 Update, Item #1, Item #, and Item #3 were discussed by The Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

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

- 1. 2004Z-150U-07**
Map 102, Parcels 22, 23, part of 24 (9.10 acres) & part of 26(14.25 acres)
Subarea 7 (2000)

District 20 (Walls)

A request to change from R6 and CL to SCR district properties located at 6806 and 6710 Charlotte Pike, and Charlotte Pike (unnumbered), between Charlotte Pike and I-40 at Old Hickory Boulevard, (53.10 acres), requested by Littlejohn Engineering Associates, for Nashville West Shopping Center, LLC, and Metro Govt., owners. (See Planned Unit Development Proposal 2004P-036U-07)

Staff Recommendation - Staff recommends a deferral to February 24, 2005 to continue working with the applicant towards a recommendation of approval. If the applicant chooses to process, staff recommends disapproval with the condition that the PUD is re-referred from the Council prior to 3rd reading.

APPLICANT REQUEST - Rezone 53.1 acres from residential one and two-family (R6) and commercial limited (CL) to shopping center regional (SCR) district, located at Charlotte Pike (unnumbered), 6710 and 6806 Charlotte Pike, Annex Ave (unnumbered), abutting the north margin of Charlotte Pike and the south margin of I-40

Existing Zoning

CL district - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SCR district - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

SUBAREA 7 COMMUNITY PLAN POLICY - Existing Plan Policy

Commercial Mixed Concentration - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Residential Medium High - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments

Policy Conflict - Yes. The current RMH policy does not support Shopping Center Regional Zoning. The applicant has requested a plan amendment. The staff has recommended disapproval of the plan amendment citing factors such as creating an undesirable development pattern, eliminating needed housing opportunity, and lack of need for additional commercial space in the area

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -See Public Works comments for 2004P-036U-07.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	71.01	6.18	439	4065	317	408

Typical Uses in Proposed Zoning District: SCR with proposed PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	71.01	--	474,484	18,677	339	1750

Typical Uses in Proposed Zoning District: SCR with proposed PUD

Land Use (ITE Code)	Acres	FAR	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	71.01	--	32*	243	21	24

* Lots proposed in PUD

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				14855	43	1366

[Note: The Subarea Plan Amendment for Subarea 7: 1999 Update, Item #1, Item #2, and Item #3 were discussed by The Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

2. **2004P-036U-07**
 Nashville West Shopping Center (Revised)
 Map 102, Parcels 22, 23, part of 24 (9.10 acres) & part of 26 (14.25 acres)
 Subarea 7 (2000)
 District 20 (Walls)

A request for preliminary approval for a Planned Unit Development located at Charlotte Pike (unnumbered), 6710 and 6806 Charlotte Pike, Annex Ave (unnumbered), abutting the north margin of Charlotte Pike and the south margin of I-40, classified R6, CS and CL, (53.1 acres) to permit the development of 474,484 square feet of retail, restaurant and office use and 24 residential units, requested by Littlejohn Engineering Associates for Nashville West Shopping Center LLC, owners. (See Zone Change Proposal 2004Z-150U-07)

Staff Recommendation - Staff recommends a deferral to February 24, 2005, to continue working with the applicant towards a recommendation of approval. If the applicant chooses to process, staff recommends disapproval with the condition that the PUD is re-referred from the Council prior to 3rd reading.

APPLICANT REQUEST - Preliminary PUD

Request for preliminary PUD located at Charlotte Pike (unnumbered), 6710 and 6806 Charlotte Pike (unnumbered), abutting the north margin of Charlotte Pike and the south margin of I-40, classified R6 and CL, requested for SCR (53.1 acres) to permit the development of 474,484 square feet of retail, restaurant and office use and 24 residential units, requested by Littlejohn Engineering Associates for Nashville West Shopping Center LLC, owners.

PLAN DETAILS

Site Design-The site is bordered by I-40 on the north and Charlotte Pike on the south. The plan is proposed to have an internal access drive that will traverse this site and will eventually cross the adjacent site to the east as it redevelops, to eventually connect with Annex Avenue. The drive will have to cross an existing Metro Park, however, and the Parks Board has not yet agreed to allow it.

The applicant also intends to relocate a portion of an existing perennial stream and grade within a 25 foot stream buffer zone. Because the Stormwater Regulations prohibit disturbance within 25 feet of a streambank, the relocation and grading will require approval of a variance from the Stormwater Management Committee. If this variance is not approved the applicant will be required to redesign the eastern edge of the site adjacent to Charlotte Pike to relocate a building that is in the path of the current stream.

The design places large “anchor” stores, ranging in size from 9,000 square feet to 88,000 square feet, along the I-40 edge of the site. Out parcels of smaller shops and offices are located along the Charlotte Pike frontage. Four restaurants line the edge of the existing Metro H.G. Hill Park. The applicant has proposed to change the existing

park from a wooded natural area to a "Park Green" to complement the shopping center. Residential uses are planned to be located above first floor retail in the building located in the eastern corner of the site adjacent to Charlotte Pike.

Staff recommends disapproval of the associated land use plan amendment and the associated zone change request citing factors such as creating an undesirable development pattern, eliminating needed housing opportunity, and lack of need for additional commercial space in the area.

With respect to the specific site design, housing would offer greater flexibility to respect the site's characteristics, such as the park it surrounds and the streams on the eastern portion of the site. These could be incorporated as special amenities in a predominantly residential development with relatively little alteration compared to that required by commercial development, with its large building footprints and parking areas. As discussed above, the developers in this proposal are attempting to utilize the park as an amenity, but at the cost of bisecting it with a road and the streams on the site are also being altered to accommodate the development.

METRO PUBLIC WORKS' RECOMMENDATION - Preliminary approvals are subject to Public Works review and approval of construction plans to be included with the final PUD.

Show sidewalk as either existing sidewalk or new Metro ST-210 sidewalk.

Show existing curb or new Metro ST-200 curb & gutter along Charlotte Pike.

Traffic Division Comments -The following conditions and site plan changes will be required prior to approval of this project:

1. The developer shall construct a minimum 3 lane cross section along the project frontage on Charlotte Pike from Hillwood Boulevard /Annex Avenue intersection to the 5 lane section of Charlotte at the I- 40 ramps . This widening shall be coordinated with the other roadway mitigations including the left turn lanes on Charlotte Pike and the additional Charlotte Pike widening as conditioned.
2. Developer shall reserve and or dedicate ROW on Charlotte Pike for the U- 4 road classification.
3. The developer shall provide cross access to the adjacent properties along Charlotte Pk. Out parcels shall have access to project perimeter road with no additional access to Charlotte Pike.

At the Templeton /Charlotte intersection/western project access

4. The project access road opposite Templeton Road shall be constructed with 2 entering lanes and 3 separate exiting lanes, a right, a through, and a left lane. These lanes shall be constructed with a minimum 240 feet of storage.
5. The project perimeter road intersection with this access road shall be located in order to provide adequate queue distance for exiting vehicles at Charlotte Pike.
6. The developer shall construct a Templeton Road extension to form a 4th leg at the intersection with the western project access drive and Charlotte Pike. The northbound approach on Templeton Road shall be constructed with a left turn lane and a thru/right turn lane with 100ft storage and design per AASHTO standards. This road construction will be required when the access drive at this location is constructed.
7. The developer shall construct a dedicated Eastbound left turn lane on Charlotte Pike at this project access driveway with 350 feet of storage.
8. The developer shall construct a Westbound right turn lane with 100 ft of storage and transition per AASHTO standards on Charlotte Pike at this project access drive.
9. The developer shall conduct traffic counts and submit warrant analysis and install a signal at this location when approved by the Metro Traffic Engineer and Traffic and Parking Commission. Developer shall submit Signal plan for approval by Metro Traffic engineer. Signal shall utilize Video detection on the project access roads. Signal shall be interconnected with signals at I -40 ramp and Hillwood Boulevard.

Pedestrian signals shall be installed. The signal warrant analysis shall be submitted at 25 % project completion.

AT middle project access driveway

10. The middle project access driveway shall be constructed with an appropriate design to ensure Right In and Right Out only vehicle operation.
11. The developer shall construct a Westbound right turn lane on Charlotte Pike at middle mall access drive with 100 ft of storage and transition per AASHTO standards.

At Brook Hollow Road/ project Access/ Charlotte Pike intersection

12. The developer shall construct a dedicated eastbound left turn lane on Charlotte Pike at Brook Hollow Road/Project access drive with 150 feet of storage. This left lane shall be required at the time of construction of this access road opposite Brook Hollow Road.
13. The developer shall construct a separate Northbound left turn lane and a through /right turn lane on Brook Hollow Road with minimum storage lengths of 200 feet and transition per AASHTO standards. This road construction shall be required at construction of this project access drive.
14. Developer shall construct a westbound through/right turn lane on Charlotte Pk a distance of 500 ft east of Brookhollow/ Mall Dr and terminate as a right turn only lane into the middle site driveway. This lane design shall be in accordance with AASHTO standards.
15. The developer shall construct access driveway with 3 exit lanes providing separate left, through and right lanes with 220 feet storage and design per AASHTO standards.
16. The developer shall conduct traffic counts and submit warrant analysis and install a signal at this location when approved by the Metro Traffic Engineer and Traffic and Parking Commission. Developer shall submit Signal plan for approval by Metro Traffic engineer. Signal shall utilize Video detection on the project access roads. Signal shall be interconnected with signals at I -40 ramp and Hillwood Boulevard. Pedestrian signals shall be installed. The signal warrant analysis shall be submitted at 25 % project completion.
17. Widening of Charlotte Pike shall include wide shoulders to accommodate bike riders.
18. Modify existing signal at Charlotte Pike and Hillwood Boulevard/Annex Avenue intersection to include eastbound and westbound right turn overlap phases on Charlotte Pike. Submit signal plan for Metro Traffic Engineer approval.

CONDITIONS (if approved)

1. All Public Works Conditions as listed above.
2. The plans will need to be stamped by design professionals registered by the State of Tennessee, not the state of Georgia.
3. A sidewalk is required along the frontage of the Metro Park property as well as the rest of the Charlotte Pike frontage.
4. All conditions of the Stormwater Management Committee must be complied with.
5. The applicant must obtain approval from the Metropolitan Board of Parks and Recreation for the road bisecting the H.G. Hill Park and associated changes to the park prior to third reading at Metro Council.

6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
7. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
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 prior to the issuance of any building permits.
10. 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.

[Note: The Subarea Plan Amendment for Subarea 7: 1999 Update, Item #1, Item #2, and Item #3 were discussed by The Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

3. **211-73-U-07**
Charlotte Pike PUD
Map 102, Parcel 22
Subarea 7 (2000)
District 20 (Walls)

A request to cancel an Commercial Planned Unit Development district located at Charlotte Pike (unnumbered), opposite Templeton Drive, classified CL, (10.91 acres), requested by Nashville West Shopping Center, owner.

Staff Recommendation - *Staff recommends a deferral to February 24, 2005, to continue working with the applicant towards a recommendation of approval. If the applicant chooses to process, staff recommends disapproval with the condition that the PUD is re-referred from the Council prior to 3rd reading.*

APPLICANT REQUEST - Cancel PUD

Request to cancel a 10.65 acre portion of an unbuild commercial Planned Unit Development, located at Charlotte Pike (unnumbered), opposite Templeton Drive.

DETAILS OF REQUEST - This property was never developed under the PUD zoning overlay and currently contains one single-family residence. This property is proposed to be part of the Nashville West Planned Unit Development.

EXISTING ZONING

Commercial Limited - CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

SUBAREA 7 COMMUNITY PLAN POLICY

Commercial Mixed Concentration - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Policy Conflict - No, the current policy of CMC supports the existing CL base zoning.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No exceptions taken.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Staff Recommendation - Recommend approval of the request to cancel the PUD.

Resolution No. RS2005-038

“BE IT RESOLVED by The Metropolitan Planning Commission that the Subarea Plan Amendment for Subarea 7 Plan: 1999 Update is **APPROVED. (8-1)**”

Resolution No. RS2005-039

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-150U-07 is **APPROVED. (8-1)**

The proposed SCR district is consistent with the newly amended Subarea 7 Plan’s Commercial Mixed Concentration policy intended for medium to high density residential and retail development.”

Resolution No. RS2005-040

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-036U-07 is **APPROVED WITH CONDITIONS. (8-1)**

Conditions of Approval:

1. The developer shall construct a minimum 3 lane cross section along the project frontage on Charlotte Pike from Hillwood Boulevard /Annex Avenue intersection to the 5 lane section of Charlotte at the I- 40 ramps . This widening shall be coordinated with the other roadway mitigations including the left turn lanes on Charlotte Pike and the additional Charlotte Pike widening as conditioned.
2. Developer shall reserve and or dedicate ROW on Charlotte Pike for the U- 4 road classification.
3. The developer shall provide cross access to the adjacent properties along Charlotte Pk. Out parcels shall have access to project perimeter road with no additional access to Charlotte Pike.

At the Templeton /Charlotte intersection/western project access

4. The project access road opposite Templeton Road shall be constructed with 2 entering lanes and 3 separate exiting lanes, a right, a through, and a left lane. These lanes shall be constructed with a minimum 240 feet of storage.
5. The project perimeter road intersection with this access road shall be located in order to provide adequate queue distance for exiting vehicles at Charlotte Pike.
6. The developer shall construct a Templeton Road extension to form a 4th leg at the intersection with the western project access drive and Charlotte Pike. The northbound approach on Templeton Road shall be constructed with a left turn lane and a thru/right turn lane with 100ft storage and design per AASHTO standards. This road construction will be required when the access drive at this location is constructed.
7. The developer shall construct a dedicated Eastbound left turn lane on Charlotte Pike at this project access driveway with 350 feet of storage.
8. The developer shall construct a Westbound right turn lane with 100 ft of storage and transition per AASHTO standards on Charlotte Pike at this project access drive.

9. The developer shall conduct traffic counts and submit warrant analysis and install a signal at this location when approved by the Metro Traffic Engineer and Traffic and Parking Commission. Developer shall submit Signal plan for approval by Metro Traffic engineer. Signal shall utilize Video detection on the project access roads. Signal shall be interconnected with signals at I -40 ramp and Hillwood Boulevard. Pedestrian signals shall be installed. The signal warrant analysis shall be submitted at 25 % project completion.

AT middle project access driveway

10. The middle project access driveway shall be constructed with an appropriate design to ensure Right In and Right Out only vehicle operation.
11. The developer shall construct a Westbound right turn lane on Charlotte Pike at middle mall access drive with 100 ft of storage and transition per AASHTO standards.
12. At Brook Hollow Road/ project Access/ Charlotte Pike intersection
10. The developer shall construct a dedicated eastbound left turn lane on Charlotte Pike at Brook Hollow Road/Project access drive with 150 feet of storage. This left lane shall be required at the time of construction of this access road opposite Brook Hollow Road.
13. The developer shall construct a separate Northbound left turn lane and a through /right turn lane on Brook Hollow Road with minimum storage lengths of 200 feet and transition per AASHTO standards. This road construction shall be required at construction of this project access drive.
14. The developer shall construct an eastbound and westbound through/right turn lane on Charlotte Pike a distance of 500 feet prior to and after this access drive intersection with transitions per AASHTO standards.
15. The developer shall construct access driveway with 3 exit lanes providing separate left, through and right lanes with 220 feet storage and design per AASHTO standards.
16. The developer shall conduct traffic counts and submit warrant analysis and install a signal at this location when approved by the Metro Traffic Engineer and Traffic and Parking Commission. Developer shall submit Signal plan for approval by Metro Traffic engineer. Signal shall utilize Video detection on the project access roads. Signal shall be interconnected with signals at I -40 ramp and Hillwood Boulevard. Pedestrian signals shall be installed. The signal warrant analysis shall be submitted at 25 % project completion.
17. Widening of Charlotte Pike shall include wide shoulders to accommodate bike riders.
18. Modify existing signal at Charlotte Pike and Hillwood Boulevard/Annex Avenue intersection to include eastbound and westbound right turn overlap phases on Charlotte Pike. Submit signal plan for Metro Traffic Engineer approval.
19. The plans will need to be stamped by design professionals registered by the State of Tennessee, not the state of Georgia.
20. A sidewalk is required along the frontage of the Metro Park property as well as the rest of the Charlotte Pike frontage.
21. All conditions of the Stormwater Management Committee must be complied with.
22. The applicant must obtain approval from the Metropolitan Board of Parks and Recreation for the road bisecting the H.G. Hill Park and associated changes to the park prior to third reading at Metro Council.
23. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.

24. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
25. 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.
26. 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.
27. 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."

Resolution No. RS2005-041

"BE IT RESOLVED by The Metropolitan Planning Commission that 211-73-U-07 is **APPROVED. (8-1)**"

4. **2004Z-160G-06**
Maps 101 and 102, Parcel 6 and 161
Subarea 6 (2003)
District 35 (Tygard)

A request to change from R80 to RM4 district properties located at River Road (unnumbered) and 5820 River Road, west of Charlotte Pike (57.42 acres), requested by William E. Kantz, Jr., applicant, Mary O'Neil, Catherine Grose, and David Finney, owners.

Staff Recommendation - *Disapprove RM4. Staff would recommend approval of RM2 accompanied by the submittal of a Planned Unit Development that preserves the site's natural features and steepest slopes.*

APPLICANT REQUEST - Rezone 57.42 acres from residential (R80) to residential multi-family (RM4) at 5820 River Road and River Road (unnumbered), west of Charlotte Pike.

Existing Zoning

R80 district -R80 requires a minimum 80,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots. The R80 district would permit 27 lots or 34 total units with 25% duplexes.

Proposed Zoning

RM4 district -RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre. The RM4 district would permit 230 multi-family units.

BELLEVUE COMMUNITY PLAN POLICY

Natural Conservation (NCO) -NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Policy Conflict-Yes. The residential density that is permitted by the proposed RM4 zoning district exceed what is allowed by NCO policy, which permits single and two-family residential development at an overall density of 0.50 units/acre. The NCO policy was adopted in February 2003, with the Bellevue Community Plan 2003 Update, and should be observed to the fullest extent possible. It was adopted to provide a buffer area for the river, as well as to protect the area's steep slopes.

It should be noted that the current zoning of the two parcels, R80, does allow for low density single and two-family development to occur. Staff recommends disapproval of the request since the proposed district is more intense than what is called for by the NCO policy, and since the existing R80 zoning is consistent with the policy.

Topography-Further, this site is encumbered by very steep slopes that average over 25% slope, which means that variances would be required from the Board of Zoning Appeals to develop lots less than 1 acre in size, according to the Hillside Development Standards of the Zoning Ordinance.

RECENT REZONINGS

Parcels 074, 042, and 072 on River Road to the southeast were requested to be rezoned from R40 to CS. Council deferred indefinitely this request on May 4, 2004. While it has not yet been heard on Third Reading at Council, Planning Commission approved this request at the February 26, 2004, MPC meeting.

TRAFFIC

PUBLIC WORKS' RECOMMENDATION -A TIS will be required at development.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: R80

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	57.42	0.46	26	249	20	27

Typical Uses in Proposed Zoning District: RM4

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo./Townhome (230)	57.42	4	230	1302	101	119

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1053	81	92

METRO SCHOOL BOARD REPORT

Projected student generation 13 Elementary 9 Middle 9 High

Schools Over/Under Capacity-Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. Hill Middle School has been identified as overcrowded by the Metro School Board, but there is capacity at another middle school within the cluster.

Hillwood High School has been identified as being full, but not overcrowded. There are high schools that have capacity in adjacent clusters, including White's Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated August 31, 2004.

Mr. Pereira presented and stated that staff is recommending conditional approval of the rezoning to RM4 with the granting of a development rights and conservation easement to the Metropolitan Government prior to third reading of the rezoning bill by the Metro Council.

Mr. Tim Wallace, 5660 River Road, spoke in opposition of the proposal.

Mr. Tracy Wallace, 5660 River Road spoke in opposition of the proposal.

Mr. Kevin Gangaware, developer, spoke in support of the proposal and requested an amendment to the conditions placed on the development regarding building height.

Mr. Jeff Zeitlin, developer, spoke in support of the proposal.

Ms. Linda Bordeman, spoke in opposition to the proposal.

Mr. Ponder requested clarification on the staff recommendation. He also requested clarification on the soil types that were included in the report.

Mr. Clifton requested clarification on the applicant's request to amend the building height in relation to the ridgeline of the proposal.

Mr. Bernhardt explained that it is recommended to the Commission to approve the conditions included in the staff report which would support the retention of the natural conservation of the site. He indicated that Parks will not support a development that includes alterations to the current ridgeline.

Mr. McLean requested clarification on the number of residential units included in the development plan.

Mr. Bernhardt explained the staff recommendation regarding the number of residential units and its relation to the granting of development rights and conservation easement to Metro.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve staff recommendations on Zone Change 2004Z-160G-06. **(8-0)**

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:50 p.m.

Mr. Clifton left the meeting at 5:30 p.m.

Resolution No. RS2005-042

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-160G-06 is APPROVED WITH CONDITIONS, including the condition that before a zoning ordinance is approved on third reading, the applicant must grant a conservation easement to Metro Government, which will allow the applicant to retain the right to develop a maximum of 150 units as per site plan submitted to the Metro Planning and Parks Departments. The site plan is subject to design review by the Metro Planning and Parks Department.

The proposed RM4 district is not entirely consistent with the Bellevue Community Plan's Natural Conservation policy intended for lower intensity development, however, the steep slopes on the property will be greater protected with the transfer of development right and conservation easement. The easement would transfer all development rights to Metro Government with the applicant retaining the right to develop a maximum of 150 dwelling units together with normal accessory uses." (9-0)

5.

2005Z-007G-12

Map173-00, Parcels 107, 184, 189

Subarea 12 (2004)

District 31 (Toler)

A request to change from AR2a to RS10 district properties located at 1015 Barnes Road and Barnes Road (unnumbered), east of Nolensville Pike (50.26 acres), requested by David Coode of Lose & Associates, applicant, for Mayles B. Owens, Amy D. Ruggles, Clyde Delvin IV, Clyde Delvin III, Cynthia A. Delvin, owners. (See Planned Unit Development Proposal 2005P-003G-12)

Staff Recommendation - In lieu of recommending approval without sufficient information, staff recommends deferral pending additional information being provided to allow adequate review of the flooding and environmental impacts of the proposed development. If the applicant wishes to proceed at this time, the recommendation is disapproval.

APPLICANT REQUEST - Rezone 50.26 acres from agricultural/residential (AR2a) to residential single-family (RS10) district at 1015 Barnes Road and Barnes Road (unnumbered), east of Nolensville Pike.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning district would permit approximately 25 homes total on this site.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The proposed zoning district would permit approximately 186 homes total on this site.

SOUTHEASTCOMMUNITY PLAN

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

Policy Conflict - No. The proposed RS10 district is consistent with the Southeast Community Plan's RLM policy intended for residential development at a density of two to four dwelling units per acre. There is also an associated PUD plan that keeps both hillsides with slopes greater than 20% and streams in common open space. The plan proposes single-family lots with a density of 3 units per acre. The RS10 zoning district is also consistent with the surrounding zoning pattern in the area.

Stormwater Issues - The plans for this PUD change show water quality and stormwater facilities at the southern end of the property near the Stanford Village Subdivision. There are also two streams running through this property that connect to streams in the Stanford Village Subdivision. Area residents have raised concerns about runoff from the property. Accordingly, staff recommends that further analysis of the stormwater facilities for the proposed development should be performed. Until more information is reviewed by the Metro Stormwater Division for adequacy, staff recommends deferral of this PUD request.

At the last meeting, concerns were raised regarding dumping issues on the site. A recommendation from the Metro Health Department will need to be obtained prior to the approval of the preliminary PUD plan.

Infrastructure Deficiency Area - This property is located within an infrastructure deficiency area for transportation only. The transportation infrastructure deficiency grid was applied and Barnes Road at this **location scored an "8"**. The property is located on a "fair segment of a fair road" and would provide 25% of two required street connections, as identified in the Community Plan. Proper road improvements should be considered at the development stage. Staff recommends that the Commission consider the conditions of the roadway prior to making their recommendation. An 8 on the transportation deficiency grid, however, generally does not require disapproval of the proposed development.

property located at 1015 Barnes Road and Barnes Road (unnumbered), east of Nolensville Pike (50.26 acres).

ZONING & LAND USE POLICY

AR2a to RS10 - This request for preliminary PUD approval is associated with a zone change request (2005Z-007G-12). The RS10 district is consistent with the RLM policy in this area.

Southeast Community Plan

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

PLAN DETAILS

Site Design - The plan proposes 154 single-family cluster lots with sizes ranging from 5,900 square feet to 11,000 square feet. The proposed overall density for the PUD is 3.06 dwelling units per acre. The PUD plan proposes clustering the lots to keep environmentally sensitive areas such as slopes 20% or greater and streams in common open space (according to Section 17.36.070 Zoning Code).

Street/Pedestrian Connectivity - Both required street connections by the subarea plan are provided and additional street connections are proposed for future development. A stub-street is proposed to the south to connect with the Second Addition of Sugar Valley Subdivision. Two stub-streets are proposed to the east: one is connected to the Stanford Village Subdivision and one is a 50' easement for future development of parcels to the east. Three connections are also provided to the west.

Common Open Space - Over 13 acres or 23.7% of the total project are proposed for common open space to protect the slopes and streams on the property, which exceeds the 15% requirement under the Code. A primitive trail is proposed through the larger portion of the common open space.

Stormwater Issues - The plans for this PUD change show water quality and stormwater facilities at the southern end of the property near the Stanford Village Subdivision. There are also two streams running through this property that connect to streams in the Stanford Village Subdivision. Area residents have raised concerns about runoff from the property. Accordingly, staff recommends that further analysis of the stormwater facilities for the proposed development should be performed. Until more information is reviewed by the Metro Stormwater Division for adequacy, staff recommends deferral of this PUD request.

At the last meeting, concerns were raised regarding dumping issues on the site. A recommendation from the Metro Health Department will need to be obtained prior to the approval of the preliminary PUD plan.

Staff Recommendation - The plan proposes a density that is consistent with the policy and clusters the lots to keep the environmentally sensitive areas protected. It also proposes street connectivity within this area. If the Stormwater issues noted above are sufficiently addressed, then staff will recommend approval of this proposed PUD.

PUBLIC WORKS RECOMMENDATION

At Barnes/ Nolensville / Celebration Way

1. Developer shall install a separate westbound right turn lane on Barnes Rd at Nolensville with 150 ft of storage for both left /through lane and right turn lane.
2. Developer shall modify signal to include a right turn overlap phase for westbound right turns.
3. Developer shall construct Barnes roadway design to align with Celebration way.

At OHB/ Barnes Road

1. Developer shall Provide and document adequate sight distance at Old Hickory Blvd (OHB) and Barnes Rd intersection with the project construction plans.

At Barnes/site access

1. Developer shall construct Site access road with 1 entering lane and 2 exiting lanes for separate left and right turns each with 100 ft of storage.
2. Developer shall construct westbound left turn lane on Barnes Rd at site access road with 75 ft of storage and transition per AASHTO standards. Provide and document adequate sight distance at this intersection with the project construction plans.
3. Dedicate and /or reserve ROW necessary for left turn lane and 1/2 of a collector rd along Barnes Road frontage.

CONDITIONS - Prior to the recording of any final plat, all traffic mitigations required by Metro Public Works as listed above shall be completed or bonded.

Ms. Harris stated that staff is recommending approval of zone change 2005ZA-007G-12 as well as approval with conditions on the planned unit development 2004P-003G-12.

Mr. Harry Jenkins, 705 Carmelle Avenue, spoke in support of the proposal.

Mr. David Code, Lose & Associates, spoke in support of the proposal.

Mr. Dave Breelan, addressed the environmental impacts of the proposal.

Mr. Chris Beaver, registered engineer, addressed the geotechnical impacts of the proposal.

Mr. Nickie Wells, Lose & Associates, spoke in support of the proposal.

Mr. Chuck Whiting, 709 Kelsey Court, spoke in opposition to the proposal.

Ms. Tammy Myers, 2012 Stanford Village Drive, spoke in opposition to the proposal.

Ms. Jill Jackson, 705 Kelsey Court, spoke in opposition to the proposal.

Mr. Travis Lindsay, 2165 Blake Drive, spoke in opposition to the proposal.

Mr. Benjamin Smallheer, 2017 Stanford Village Drive, spoke in opposition to the proposal.

Ms. Terry Norman, 2124 Blake Drive, spoke in opposition to the proposal.

Ms. Sharon Hurt, 2077 Stanford Village Drive, spoke in opposition to the proposal.

Mr. Andy Bailey, 608 Hanna Ridge Court, spoke in opposition to the proposal.

Ms. Carol Bland, 2088 Stanford Village Drive, spoke in opposition to the proposal.

Ms. Hollye Cross, 601 Hanna Ridge Court, spoke in opposition to the proposal.

Mr. Trey Bland, 2088 Stanford Village Drive, spoke in opposition to the proposal.

Councilmember Toler announced that he would be holding a Community meeting on February 10, 2005 to allow the residents to meet with the developer to address their issues associated with the project.

Ms. Cindy Delvin, owner, spoke in support of the proposal.

Mr. Hank Delvin, owner, spoke in support of the proposal.

Ms. Nielson acknowledged the concerns of the residents and indicated that the development may improve the conditions mentioned by the residents.

Ms. Cummings requested clarification on the staff recommendation.

Ms. Harris explained that staff was recommending approval of the zone change and approval with conditions on the planned unit development.

Mr. Bernhardt read into the record the report that was submitted by the Stormwater Division.

Mr. Tyler expressed concerns regarding traffic and infrastructure located in this area

Mr. Ponder mentioned the safeguards mentioned in staff's recommendation and stated he was in favor of approving.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve staff recommendations to approve zone change 2005Z-007G-12 as well as approve with conditions planned unit development 2005P-003G-12. **(8-0)**

Resolution No. RS2005-043

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-007G-12 is **APPROVED WITH CONDITIONS. (8-0)**

The proposed RS10 district is consistent with the Southeast Community Plan’s Residential Low Medium policy intended for residential development at a density of two to four homes per acre. It is also consistent with the surrounding zoning pattern in this area.”

Resolution No. RS2005-044

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-003G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

At Barnes/ Nolensville / Celebration Way

1. Developer shall install a separate westbound right turn lane on Barnes Rd at Nolensville with 150 ft of storage for both left /through lane and right turn lane.
2. Developer shall modify signal to include a right turn overlap phase for westbound right turns.
3. Developer shall construct Barnes roadway design to align with Celebration way.

At OHB/ Barnes Road

1. Developer shall Provide and document adequate sight distance at Old Hickory Blvd (OHB) and Barnes Rd intersection with the project construction plans.

At Barnes/site access

1. Developer shall construct Site access road with 1 entering lane and 2 exiting lanes for separate left and right turns each with 100 ft of storage.
2. Developer shall construct westbound left turn lane on Barnes Rd at site access road with 75 ft of storage and transition per AASHTO standards. Provide and document adequate sight distance at this intersection with the project construction plans.

3. Dedicate and /or reserve ROW necessary for left turn lane and 1/2 of a collector rd along Barnes Road frontage.”

PRELIMINARY SUBDIVISION PLATS

7. **2005S-004G-03**
Carrington Place
Map 058, Parcel 078
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary plat approval for 129 lots abutting the east margin of Eaton's Creek Road and the south margin of Briley Parkway (52.3 acres), classified within the RS15 District, requested by Elsie Carrington, owner, Anderson, Delk & Associates, Inc., surveyor.

Ms. Fuller presented and stated that staff is recommending approval with conditions. She also mentioned that the developer has requested to defer this item in order to continue meeting with the residents who have expressed concerns regarding this development.

Mr. Lawson announced that under the direction of the Commission's legal counsel, he would be recusing himself as Chairman, in order to address the Commission as a resident affected by this proposal. Mr. Lawson announced that Ann Nielson would chair the Commission in his absence.

Councilmember Gilmore announced that the developer has requested to defer this item and requested that the Commission keep the Public Hearing open during this deferral in order to allow the residents to continue their negotiations with the developer and voice their opinion at the next review of this proposal.

Mr. Jim Lawson spoke in opposition to the proposal.

Mr. Arthur Harris, 4567 Clarksville Pike, President of the Northwest Neighborhood Association, spoke in opposition to the proposal.

Mr. Milton McClain, 1619 Emerald Drive, spoke in opposition to the proposal.

Mr. Dwayne Bell, 4500 Queens Lane, spoke in opposition to the proposal. He submitted photos for review by the Commission. He did not leave the photos for the record.

Mr. Chris Utley, 511 Emerald Court, spoke in opposition to the proposal.

Ms. Molly Kelly, 4023 Ashland City Hwy, spoke in opposition to the proposal.

Ms. Beverly Townsend, 709 Ringo Drive, spoke in opposition to the proposal.

Ms. Beverly Bell, 4500 Queens Lane, spoke in opposition to the proposal.

Councilmember Gilmore spoke in favor of development, but was not in support of the proposed development for her district. She stated that the proposal was not appropriate for the area. She mentioned several issues relating to traffic, project density, project buffers and street closures. She stated that the Community will continue to work with the developers to address these issues. Councilmember Gilmore also stated that she had received e-mails from three of her constituents who were also opposed to the development and mentioned them for the record.

Mr. Corey Craig, The Craig Company, requested a two week deferral to allow additional time to meet with the community members who would be affected by this proposal.

Ms. Patricia Lewis, 4305 Princess Lane, spoke in opposition to the development.

Neighborhood Center (NC) - Neighborhood Center classification is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Standard Policies for Areas Without Detailed Neighborhood Design Plans - Standard policy 14 from Land Use Policy Application applies to residential proposals in NG areas:

In areas designated Neighborhood General on the Structure Plan, proposals for residential development should meet the following criteria to be considered on their merits.

1. The proposal contributes to the building of the neighborhood as envisioned in the applicable Structure Plan. In addition to generally reflecting principles of good neighborhood design, the proposal: a) includes components of the open space and transportation systems shown on the Structure Plan and b) contains a mix and arrangement of development that is appropriate to the site based on where it is situated within the neighborhood with respect to the center and edge of the neighborhood as envisioned in the Structure Plan.
2. The proposal is a combination of any conventional residential zoning districts none of which yield more than 20 units/acre and an Urban Design or Planned Unit Development overlay district or site plan, to assure appropriate design and that the type of development conforms with the intent for NG areas and the location in question.
3. No other special policy applies to the site that expressly makes an exception to this policy or does not support the proposal.

If the above criteria are not met, proposals for single family residential development using RS20 or RS15 zoning, civic activities, and low-rise public benefit uses may be considered on their merits.

Subdivision Regulations 2-1.1 - "In addition to the requirement established herein, Conformance to Applicable Rules divisions of land shall comply with all applicable laws, and Regulation ordinances, resolutions, rules, or regulations, including but not limited to the following:

....

C. The adopted General Plan and Major Street Plan.

....

Plat approval may be withheld if a subdivision is not in conformity with the above provisions."

STAFF ANALYSIS -Staff has reviewed the application and found that it currently does not meet the criteria for a mix of housing densities and types envisioned in the Neighborhood General Policy.

At the zone change stage, the applicant submitted a sketch indicating they would comply with the policy by developing medium sized lots along the stream buffer in the center of the site, and smaller lots at the perimeter of the site. This layout of lot sizes is necessary to comply with the land use policies in this area. The proposed plat shows similar sized lots with no discernable size variations and will not allow for differences in housing product types.

The street layout is mostly acceptable, allowing for connectivity between Hamilton Church Road and Mt. View Road, and provides stub streets to undeveloped neighboring properties, however, a connection between lots 32 and 58, aligning with Tea Garden Way is needed.

Staff recommends approval with the condition that the applicant enlarge the lots backing up to the stream buffer to a minimum of 7,500 square feet by shrinking lots located along the perimeter, as was proposed by the applicant's sketch plan submittal at the zone change review. This will allow the plan to meet the criteria set forth by the Neighborhood General Policy.

METRO PUBLIC WORKS' RECOMMENDATION-Preliminary approvals are subject to Public Works' review

and approval of construction plans.

The applicant will contribute their fair share of off-site road improvements to be determined. Public Works is currently coordinating with three developers for their share of road improvements for this area. If the developer disagrees with the final Public Works determination, the issue will be brought before the Planning Commission with the approval of the first final plat.

CONDITIONS

1. The applicant will provide a street connection to Hamilton Church Road between lots 58 and 32 and aligning with Tea Garden Way.
2. The applicant shall enlarge the lots backing up to the stream buffer to a minimum size of 7,500 square feet by shrinking lots located along the perimeter to meet the criteria set forth by the Neighborhood General Policy. The applicant must submit a revised plan by January 13, 2005.
3. A paved pedestrian connection shall be provided from the the end of Cul-de-sac "E" or at some point along Road "B" to allow pedestrian access to Hamilton Church Road.
4. Landscape plans for the required buffer yard shall be submitted to the Urban Forest for review prior to the issuance of the grading permit.

Ms. Fuller presented and stated that staff is recommending approval with conditions.

Mr. Al Bender, Four Corners Neighborhood Association, submitted a letter to the commission and spoke in opposition to the proposal.

A resident of 6147 Mt. View Road, spoke in opposition to the proposal.

Councilmember Bradley stated that he has held community meetings to discuss this proposal with the area residents. He stated that the developer has agreed to several terms and conditions that he and Community would like to have included in this development. Councilmember Bradley stated that with the additional conditions this proposal will be an enhancement for this area.

Mr. Tom White, Tune, Entrekin & White, spoke in support of the proposal.

Mr. Bob Murphy, RPM Transportation, spoke in support of the proposal.

Mr. Mike Anderson, Anderson, Delk, Epps & Associates, spoke in support of the proposal.

Mr. Jim Fischer, owner, spoke in support of the proposal.

Mr. McLean acknowledged the work completed between the developer, Councilmember and neighborhood and stated he would be in favor of approving this development.

Mr. Tyler spoke in favor of the development and how it relates to the cluster lot option.

Mr. Ponder requested clarification on the number of lots included in the proposal and any variations due to the changed lot sizes.

Ms. Jones expressed concerns with varying the lot sizes for the perimeter lots.

Mr. Loring spoke in support of the proposal. He mentioned that the Councilmember has been working to improve this area and this proposal would accomplish improvements.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously to approve Subdivision 2004S-345U-13 with the removal of conditions #1 and #2 and to include the conditions of a paved pedestrian

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - The proposed zoning district MUN is consistent with the Subarea 5 Plan in that its intent is to conserve nodes of neighborhood commercial areas. The Metro Historical Commission has confirmed that prior to 1985, this building served as a neighborhood grocery and residence and has historical significance. Although the RM Policy is intended for residential development, the subarea plan does acknowledge these existing nonconforming commercial nodes and suggests conservation of these areas. The MUN district will also allow the return of residential uses should the retail cease to be viable.

RECENT REZONINGS - None.

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

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Units per Acre	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	0.16	6.18	1	15	10	2

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station W/ Conv. Market (945)	0.16	0.12	836		65	81

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					55	79

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Units per Acre	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
()	0.16	6.18	1	15	10	2

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/Convenience Market ()	0.16	0.60	4,182		542	672

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					532	670

METRO SCHOOL BOARD REPORT

Projected student generation* 1 Elementary 1 Middle <1 High

Schools Over/Under Capacity - Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

*The numbers for MUN zoning are based upon students that would be generated if the MUN 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.

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

Mr. John Dundas of 1422 Greenwood Avenue, read a letter of opposition into the record for a Ms. Rebecca Roborge. Ms. Roborge resides at 1519 Russell Street.

Mr. Charles Crawford, owner, spoke in support of the proposal. He submitted pictures to the Commission.

Mr. Cummings requested clarification on MUN usages and whether there are parking requirements associated with this usage.

Ms. Hammond stated that this proposal was exempt from parking requirements due to the size of the proposal.

Mr. Tyler requested additional information regarding the role of the Historical Commission and this proposal.

Mr. Bernhardt explained that the Historical Commission confirmed that this parcel was once used as a commercial node.

Mr. Ponder spoke in support of the proposal.

Mr. Loring spoke in opposition to the proposal. He stated it was not compatible with the area.

Ms. Nielson moved and Mr. McLean seconded the motion to approve Zone Change 2005Z-014U-05. **(7-1) No Vote - Loring**

Resolution No. RS2005-047

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-014U-05 is **APPROVED. (7-1)**

The proposed MUN district is consistent with the intent of the Subarea 5 plan to conserve existing commercial neighborhood nodes. Although the Subarea 5 plan calls for Residential Medium policy intended for residential development at a density of four to nine units per acre, the subarea plan acknowledges existing nonconforming commercial nodes and suggests conservation of these areas. Prior to 1985, this existing building served as a neighborhood grocery and considered to be historically significant from the Metro Historical Commission.”

X. FINAL PLATS

11.

2004S-278U-10

Sneed Estates, Resub. of Lot No. 45
Maps 130-08, Parcel 71
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create 2 lots at the southwest corner of Colewood Drive and Wallace Lane (0.91 acres), classified within RS20 district, requested by A. R. Sharp, Jr., owner, Campbell, McRae and Assoc. Surveying, Inc., surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Final Plat

This request is to create 2 lots at the southwest corner of Colewood Drive and Wallace Lane (0.91 acres).

ZONING

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

SUBDIVISION DETAILS

Lot Comparability- Section 2-4.7 of the Subdivision Regulations state that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability waiver can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan.

A lot comparability test was conducted and the lot area yielded a minimum lot size of 23,767 square feet and a minimum allowable lot frontage of 98 feet. Both lots pass for lot frontage, but not lot area. Both lots are proposed for 20,000 square feet.

Staff recommends disapproval of a lot comparability waiver because it is not consistent with the land use policy. The Residential Low land use policy in this area is intended for residential development at a density of 1 to 2 dwelling units per acre. This subdivision is not consistent with the policy because the subdivision proposes 2 homes on less than one acre of land (0.91 acres).

Sidewalks - Sidewalks are not proposed or required because the application was submitted prior to the adoption of the amended sidewalk regulations.

PUBLIC WORKS' RECOMMENDATION - No Exception Taken.

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Bob Scruggs, owner, spoke in favor of the proposal.

Ms. Beth O'Shea, 4305 Wallace Lane, spoke in opposition to the proposal.

Mr. Ponder proposed the development include only a single family dwelling.

Ms. Nielson expressed issues regarding the precedent that would be set if the proposal were approved.

Ms. Nielson moved and Mr. Ponder seconded the motion, which was passed unanimously to disapprove Final Plat 2004S-278U-10. **(8-0)**

PUBLIC WORKS RECOMMENDATIONS - Developer shall construct a westbound through/right turn lane on Charlotte Pk a distance of 500 ft east of Brookhollow/ Mall Dr and terminate as a right turn only lane into the middle site driveway. This lane design shall be in accordance with AASHTO standards.

Mr. Pereira presented and stated that staff is recommending approval of the subdivision, but disapproval of the sidewalk variance.

Mr. Shane Teeters, developer, requested a sidewalk variance and submitted pictures for the Commission's review.

Mr. Ponder mentioned the possibility that the project could have hardships that would warrant a variance.

Mr. Tyler requested additional information on other sidewalks and if they existed in the area.

Mr. Pereira stated that there were no other sidewalks within the immediate area.

Ms. Cummings mentioned that after viewing the photos of the area, that hardships could exist, that would warrant a variance.

Mr. Bernhardt explained that Council recently passed an ordinance that requires sidewalks in this area, and if there were conditions unfavorable, that the Zoning Administrator, under the recommendation of Public Works could require an alternative sidewalk, and/or request that the developer pay the in-lieu fee.

Mr. Ponder requested additional information on the type of sidewalk, whether it would include curb and gutter that would be required for this area.

Mr. Bernhardt explained that the Zoning Administrator would make the recommendation for the required sidewalks.

Mr. McLean requested additional information on the options available to the Commission regarding this proposal.

A brief discussion ensued regarding the particular circumstances that would require a sidewalk and what the role of the Zoning Administrator would have if the sidewalk variance was not granted.

The Commission also discussed the minimum length of requested sidewalks and the cost per lineal foot to install.

Ms. Hammond explained that this proposal would be submitted to Public Works in order to obtain their recommendations for this particular sidewalk variance request.

Mr. Lawson suggested that the Commission defer the request to allow Public Works to review and submit a recommendation to the Commission regarding the sidewalk issue.

Mr. Bernhardt explained that Public Works has already submitted a report that stated that this proposal does not meet the requirements that would warrant a sidewalk variance.

Ms. Nielson suggested that the Commission approve the subdivision and defer the request for a sidewalk variance.

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to approve the request to subdivide and create two lots abutting the southwest corner of Taylor Road and Flora Maxwell Drive, and to defer the sidewalk variance request until February 10, 2005 in order to receive additional input from Public Works regarding the variance request. **(8-0)**

Resolution No. RS2005-049

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-023U-12 is **SUBDIVISION APPROVED, DEFERRED ACTION ON SIDEWALK VARIANCE TO THE FEBRUARY 10, 2005 COMMISSION MEETING. (8-0)**

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-026U-05 indefinitely at the request of the applicant. (8-0)

15. **2005S-029U-10**
Belle Meade Annex, Subdivision of Part of Lot 29
and all of Lot 30
Maps 130-04, Parcel 066
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create three lots abutting the southeast corner of Hobbs Road and Sneed Road, (2.06 acres), classified within the RS20 District, requested by G. W. Weesner, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-029U-10 to February 10, 2005 at the request of the applicant. (8-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

16. **90P-018U-12**
Nippers Corner (Publix)
Map 161, Parcel 264, 265
Subarea 12 (2004)
District 27 (Foster)

A request to revise a portion of the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located abutting the north side of Old Hickory Boulevard, east of Edmondson Pike, classified SCC, (5.69 acres), to permit the development of a 46,031 square foot grocery store, and 8,000 square feet of retail replacing 40,500 square feet of retail, restaurant and movie theater uses, requested by Littlejohn Engineering, for BSM Nippers, LLC, owner.

Staff Recommendation - *Approve with the condition that Metro Public Works' requirements be met prior to issuance of a building permit*

APPLICANT REQUEST - Revision to Preliminary & Final PUD

Request to revise the preliminary PUD and for final approval of a portion of the Commercial PUD on 5.69 acres, located on the north side of Old Hickory Boulevard, east of Edmondson Pike, to permit the development of a 46,031 square foot grocery store and an 8,000 square foot retail use, replacing 40,500 square feet of retail, restaurant and movie theater uses.

Staff Consideration - Staff recommends the Planning Commission treat this request as a revision for the reasons listed below, but if the commission believes this change alters the basic development concept of this PUD, then the Commission can recommend an amendment to the PUD, which requires referral to the Metro Council.

Based on the following factors, staff finds that this request to modify the PUD should be treated as a revision, which is not required to be referred to the Metro Council:

1. The proposed use is consistent with the Council-approved uses in the PUD.
2. This revised PUD plan does not increase the total floor area more than ten percent beyond the total floor area last approved by Metro Council. The revised PUD plan proposes a total of 91,893 square feet, which does not increase the total floor area more than ten percent beyond the Council-approved amount of 88,102 square feet.
3. The proposed access points are consistent with the Council-approved plan.
4. The proposed plan does not significantly increase the height of the buildings in the PUD.

5. The proposed plan does not significantly change the impact to the surrounding area.

PLAN DETAILS

Existing Zoning - The site (PUD) is currently zoned as Shopping Center Community district property. SCC is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

Site design - A 46,031 square foot grocery store is proposed on Lot 5 (parcel 264) to replace a current building that has 15,000 square feet of retail and restaurant uses. A 8,000 square foot building is proposed on Lot 6 (parcel 265) to replace a 25,500 square-foot movie theater building.

Access-The proposed plan shows four points of ingress/egress that are existing: two driveways from Edmondson Pike on the west and two along Old Hickory Boulevard. The applicant proposes to shift the northern driveway location along Edmondson Pike.

A mandatory referral was approved at the January 13, 2005, Planning Commission meeting to modify the restrictive covenants and grant a permanent easement and temporary construction easement across Metro owned property for Fire Station #10, on the southeast side of the PUD. This easement will allow the applicants to shift the existing driveway along Old Hickory Boulevard to the east as it extends north.

Sidewalks - The proposed new right turn lane on Old Hickory Boulevard at its intersection with Edmondson Pike will encroach upon the existing sidewalk between the first driveway on Old Hickory Boulevard and Edmondson Pike. An existing sidewalk along Old Hickory Boulevard is proposed to be replaced where it is not compliant with ADA standards.

Parking and landscaping-The applicant has calculated the required parking for the new and existing uses within the PUD that will be affected by construction. The applicant will provide 441 spaces to comply with the total 439 spaces required.

The PUD plan provides the required "C" standard landscape buffer yard between the PUD and the adjacent RM9 zoning districts to the north and east.

Recent Rezonings

None.

TRAFFIC

PUBLIC WORKS' RECOMMENDATIONS

1. Show and dimension ROW along Old Hickory Boulevard at property corners, consistent with major street plan (S6 - 70' from road centerline).
2. Show ROW dedication for proposed sidewalk, or record with the PUD a public pedestrian access easement.
3. Sidewalk construction shall be per Metro ST-210.
4. Show curb ramps, as shown in Metro ST-320.
5. Effective 1/1/2005, show detectable warnings at curb ramps, as shown in Metro ST-329/ST-330.
6. Show updated standard details from the Engineering Division of Public Works, if applicable.
7. Use street pavement schedule as shown in Metro ST-261.
8. Remove vegetation along the northern driveway (along Edmondson Pike) to allow for adequate site distance. Add a note to the plans that this will be done.
9. Modify the signal at the intersection of Old Hickory Boulevard turning north onto Edmondson Pike: the lane furthest north that is signed to allow straight and right-turn movements should be modified to allow right turn movement ONLY.
10. Construction drawings must be submitted and approved by Public Works.
11. Signaling and signing plans must be submitted and approved by Public Works.

Conditions (If approved):

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section 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. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. If 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.
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.
7. Prior to the issuance of any building permits, a revised final plat, or instrument, must be recorded showing the required right-of-way reservation along the frontage of Old Hickory Boulevard.
8. Compliance with all of Public Works' conditions listed above.

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

Resolution No. RS2005-051

“BE IT RESOLVED by The Metropolitan Planning Commission that 90P-018U-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Show and dimension ROW along Old Hickory Boulevard at property corners, consistent with major street plan (S6 - 70' from road centerline).
2. Show ROW dedication for proposed sidewalk, or record with the PUD a public pedestrian access easement.
3. Sidewalk construction shall be per Metro ST-210.
4. Show curb ramps, as shown in Metro ST-320.
5. Effective 1/1/2005, show detectable warnings at curb ramps, as shown in Metro ST-329/ST-330.
6. Show updated standard details from the Engineering Division of Public Works, if applicable.
7. Use street pavement schedule as shown in Metro ST-261.
8. Remove vegetation along the northern driveway (along Edmondson Pike) to allow for adequate site distance. Add a note to the plans that this will be done.
9. Modify the signal at the intersection of Old Hickory Boulevard turning north onto Edmondson Pike: the lane furthest north that is signed to allow straight and right-turn movements should be modified to allow right turn movement **ONLY**.
10. Construction drawings must be submitted and approved by Public Works.

11. Signaling and signing plans must be submitted and approved by Public Works.
12. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Prior to the issuance of any building permits, a revised final plat, or instrument, must be recorded showing the required right-of-way reservation along the frontage of Old Hickory Boulevard."

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17. **2004P-017U-10**
Parkview Circle
Map 131-04, Parcel 172
Subarea 10 (1994)
District 25 (Shulman)

A request for final approval for a Planned Unit Development district located at 4302 Parkview Circle, south of Frances Avenue, classified RS7.5, (0.42 acres), to develop two single-family lots, requested by Dale and Associates for Parkview Partners, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Request for final PUD approval to develop two single-family lots on 0.42 acres, located at 4302 Parkview Circle, south of Frances Avenue, classified RS7.5.

PLAN DETAILS

Site Plan - The proposed PUD plan creates one 7,570-square foot lot (Lot 1) and one 7,722-square foot lot (Lot 2). Each lot proposes a 2,600-square foot, single-family residential structure. There is an existing dwelling on lot 1 that will remain.

Recent rezoning

The preliminary PUD and zone change request to RS7.5 were disapproved at the July 8, 2004, Planning

Commission meeting. Both the PUD and zone change have now been approved by the Metro Council, however.

Access - The proposed plan includes one point of ingress/egress along Parkview Circle, and both lots share a 14 foot wide concrete joint use driveway.

Sidewalks - Because this site falls in the Urban Services District, sidewalks are required along the property frontage, or a financial contribution to the sidewalk fund must be made.

When the preliminary PUD was disapproved, a condition was put on the PUD plans that stated that if they were ultimately adopted by Metro Council, a sidewalk was to be constructed along the frontage of both new lots in accordance with current Metro Public Works' design standards. A sidewalk has been shown on the final PUD plans, along the frontage of the property parallel with Parkview Circle.

Open Space and Landscaping - Because this subdivision is proposed as a PUD, 15% open space is required as part of the plan. This requirement is met by a 2,680-square foot common space area in the southeast corner of the site, just south of Lot 2.

Because this PUD district is zoned RS7.5 and is surrounded by RS10 on all sides, a class B landscape buffer is required along its exterior perimeter. The final plans show the required landscape buffer yard along the entire exterior perimeter of the PUD.

Environmental - There is no floodway or floodplain on the property. There are also no blueline streams or slopes greater than 15 percent.

TRAFFIC PUBLIC WORKS' RECOMMENDATIONS - Final approvals are subject to Public Works' review and approval of construction plans.

Conditions

1. Prior to the issuance of any building permits, a final plat / PUD boundary plat must be recorded.
2. Prior to final plat approval, a termination of master deed must be recorded that removes the horizontal property regime that currently exists on the property.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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.
7. 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.
8. 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.

PLAN DETAILS

Access - The proposed plan includes two points of ingress/egress: one from Hicks Road and one from Old Harding Pike.

Sidewalks - Sidewalk extensions are proposed along the frontage of the property on Highway 70 S and Hicks Road, but not along Old Harding Pike. This site falls within an area where the Sidewalk Priority Index is greater than 20, therefore, sidewalks are required or a financial contribution to the sidewalk fund must be made.

Right of Way -The applicant has dedicated 12 feet to the required Right of Way along Highway 70S (for a total ROW of 108 feet, or 54 feet from the centerline). The applicant has dedicated 5 feet and reserved 6 feet for the ROW along Hicks Road (for a total ROW of 50 feet). Along Old Harding Pike, the applicant has dedicated 12 feet to the required ROW (for a total ROW of 84 feet, or 42 feet from the centerline).

Parking and landscaping - Since the preliminary plans, parking has been reduced from 35 to 32 spaces, still complying with the required 31 spaces. Parking space orientation and internal landscaping have been modified slightly as well.

The PUD plan provides the required landscape buffer yard between the adjacent bank and the proposed restaurant. The required five foot perimeter landscape strips have been shown along Hicks Road and Highway 70S.

Recent Rezonings - The Planning Commission recommended approval of the request to change from OR20 to CL district in January 2004. Metro Council passed this zone change bill on third reading on November 16, 2004. The bill included several conditions, including the following:

1. The construction of a monument style sign constructed of "municipal red brick" being a maximum eight feet in height and nine feet in length;
2. That the exterior of the proposed development be consistent with the rendering on file with the Planning Commission and made a part of this ordinance as though copied herein; and
3. That the proposed development be consistent with the Demolition and Layout Plan and the Landscape Plan filed with the Planning Commission as part of the Preliminary Planned Unit Development on file with the Planning Commission and made a part of this ordinance as though copied herein.

The Planning Commission has received the layout plans, as indicated above.

TRAFFIC PUBLIC WORKS' RECOMMENDATIONS - Final approvals are subject to Public Works' review and approval of construction plans.

Conditions

1. The building's sign shall be constructed of a monument style of municipal red brick, at a maximum of eight feet in height and nine feet in length.
2. The exterior of the proposed development shall be consistent with the rendering on file with the Planning Commission.
3. Construction of sidewalks will be determined at the building permit stage.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. 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.
6. 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.

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.

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

Resolution No. RS2005-053

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-027G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The building’s sign shall be constructed of a monument style of municipal red brick, at a maximum of eight feet in height and nine feet in length.
 2. The exterior of the proposed development shall be consistent with the rendering on file with the Planning Commission.
 3. Construction of sidewalks will be determined at the building permit stage.
 4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
 5. 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.
 6. 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.
 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.”
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XII. MANDATORY REFERRALS

- 19.** **2005M-019G-14**
Various Parcels
Subarea 14 (1996)
District 12 (Gotto)

An ordinance to amend the Official Street and Alley Acceptance and Maintenance Map for The Metropolitan Government of Nashville and Davidson County, by renaming John Hager Road as “John Hager Road,” requested by Councilmember Jim Gotto, 12th District.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An ordinance to amend the Official Street and Alley Acceptance and Maintenance Map for The Metropolitan Government of Nashville and Davidson County, by renaming John Hager Road as “John Hager Road,” requested by Councilmember Jim Gotto, 12th District.

Since this road was first constructed and accepted by Metro Government, it has been named “John Hager Road.” The person after whom it was to be named, however, was “John Hagar.” Accordingly, Councilmember Jim Gotto has filed a bill with the Metro Council to change the name to reflect the correct spelling of Mr. Hagar’s name.

All property owners have been mailed notices of the proposed renaming.

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

RECOMMENDATION - Public Works has reviewed this request and recommends approval.

Planning staff also recommends approval of this request.

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

Resolution No. RS2005-054

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-019G-14 is **APPROVED. (8-0)**”

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- 20.** **2005M-021U-09**
Map 093-02-3, Parcel 155
Subarea 9 (1997)
District 6 (Jameson)

An ordinance approving a parking agreement between the Metropolitan Government and Stahlman Redevelopment Partners, LLC, for the use of up to 175 parking spaces for a fee in the new courthouse parking garage currently under construction, requested by MDHA.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An ordinance approving a parking agreement between the Metropolitan Government and Stahlman Redevelopment Partners, LLC, for the use of up to 175 parking spaces for a fee in the new courthouse parking garage currently under construction, requested by MDHA.

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

RECOMMENDATION - The purpose of this lease is to enhance the redevelopment of the Stahlman Building to residential apartments. The lease has been approved and recommended for approval by MDHA and Metro Real

Resolution No. RS2005-061

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-027G-06 is **APPROVED. (8-0)**”

27. **2005M-028U-07**
Maps 91-07, Parcel 7
Subarea 7 (2000)
District 20 (Walls)

A request for an easement acquisition at 5302 Pennsylvania Avenue, requested by Metro Water Services, Project No. 03-D-0554.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an easement acquisition at 5302 Pennsylvania Avenue, requested by Metro Water Services, Project No. 03-D-0554.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

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

Resolution No. RS2005-062

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-028U-07 is **APPROVED. (8-0)**”

XIII. OTHER BUSINESS

28. New Employee Contract for Jason Swaggart

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

29. Administrative approval of mandatory referrals

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

30. An ordinance approving Amendment No. 2 to the Five Points Redevelopment Plan, requested by MDHA (2005M-033U-05).

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

31. Grant Agreement between the State of Tennessee Department of Transportation and the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization for FY2005 Transit Planning Coordination.

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

32. A request to rehear the Planning Commission’s approval of a final plat to subdivide 1 existing lot into 2, located at the southeast corner of Davidson Road and Bresslyn Road (2.13 acres), classified within RS40 district, requested by Joan B. Hager, owner and John Hood, surveyor.

Mr. Lawson briefly explained the procedure that the Commission should follow when deliberating on whether a request to rehear a case should be granted.

In this explanation, it was determined that the only motion that would be entertained to rehear the case, would have to be made and seconded, by one of the voting majority who were present at the original hearing. These voting members were P. Ponder, J. Cummings, S. Clifton or J. McLean.

Mr. Bernhardt further explained that the request to rehear is dependent on whether new information has been presented to the Commission that would warrant a rehearing.

Mr. Bernhardt also stated that one of the original steps on whether a case should be reheard included an initial review by the Commission Chairman and himself. After review of the request, it was determined by the Chairman and Mr. Bernhardt, that there was not any new evidence presented in the requests that would require a rehearing of this case. However, Mr. Bernhardt explained that due to the number of requests for this rehearing, it was determined that this request should be presented to the Commission.

There was a brief discussion regarding the issue of whether a “rebuttal” procedure would be considered new evidence to warrant a rehearing.

Mr. McLean summarized his thoughts of the original hearing and commented on the issue of rebuttals. He was not in favor of approving the request to rehear.

Mr. Kleinfelter briefly explained the outcome of the original hearing to the Commissioners.

Mr. Ponder explained that he was not in favor of granting the request to rehear.

33. Executive Director Reports

34. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.



Chairman

Secretary