



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

March 24, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Victor Tyler
James McLean
Councilman J. B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Kathryn Fuller, Planner III
Adriane Harris, Planner II
Bob Leeman, Planner III
Luis Pereira, Planner I
Jason Swaggart, Planner I
Nekya Young, Planning Tech I
Marie Cheek, Planning Tech I

Commissioners Absent:

Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

II. ADOPTION OF AGENDA

Mr. Small moved, and Mr. Ponder seconded the motion, which passed unanimously to approve the agenda as presented. (8-0)

III. APPROVAL OF MARCH 10, 2005 MINUTES

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to approve the minutes of March 10, 2005. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Council Lady Baldwin-Tucker spoke regarding Item #11, 2005S-070G-03, White's Creek Manor. She requested this item be deferred one meeting to allow additional time to meet with the community members that would be affected by this proposal.

Councilmember Jameson was in attendance.

Councilmember Greer spoke in favor of approving Item #5 – 2005Z-038U-11. He commented that he will continue to work with the developer to see an inclusion of a PUD that would accompany this development.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

1. 2005S-051G-06 Avondale Park - A request for preliminary approval to create 564 lots on the south margin I-40 east, west of Coley Davis Road – deferred to April 28, 2005 at the request of the applicant
2. 97S-014U-03 A recommendation from the Metropolitan Department of Law 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 – deferred to April 28, 2005 at the request of the applicant
12. 2005S-024G-14 Hadley's Bend City - A request for final plat approval to create four lots abutting the northeast corner of Commerce Street and Main Street – deferred to April 14, 2005 at the request of the applicant
15. 97P-005U-11 Bhomar PUD (Import Specialty Service) -A request for final approval for the Commercial PUD located at 375 Glenrose Avenue, at Hester Avenue to develop a 7,200 square foot, 8 bay, automotive repair facility – deferred to April 14, 2005 at the request of the applicant

Mr. Clifton arrived at 4:07 p.m.

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. **(9-0)**

VI. PUBLIC HEARING: CONSENT AGENDA ZONING MAP AMENDMENTS

3. 2005S-058U-05 Jaywood Subdivision - A request for final plat approval to create 3 lots abutting the east margin of Lischey Avenue - Approve

PUBLIC HEARING: ZONING MAP AMENDMENTS

4. 2005Z-034U-09 Change from IWD to MUG district property located at 501 and 537 Main Street - Approve w/ conditions
7. 2005Z-043U-08 Change from IG to MUG district property located at 96 Taylor Street - Approve
10. 2005UD-002U-09 Gateway Boulevard UDO- A request to apply an Urban Design Overlay District to various properties located between 1st Avenue South and 8th Avenue South and between Demonbreun Street/Molloy Street and Peabody Street - Approve

PLANNED UNIT DEVELOPMENTS (revisions)

16. 2004P-013G-12 Legg Development PUD - A request to revise the preliminary and for final approval for a PUD located abutting the north side of Nolensville Pike, to develop 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and grocery store uses - Approve w/ conditions
17. 2004P-033G-06 Loveless Café - A request for a revision to preliminary and final approval for a PUD district located at 8400 Highway 100 to permit 1,540 square feet of new retail uses - Approve w/ conditions

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously to approve the Consent Agenda as presented. **(9-0)**

Mr. Small requested additional clarification of the conditions contained on Item #4 -- 2005Z-034U-09.

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

PRELIMINARY SUBDIVISION PLATS

1. **2005S-051G-06**
Avondale Park
Map 140, Parcels, 010, 016, 069, 074, 075
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval to create 564 lots on the south margin I-40 east, on the west margin Coley Davis Road (261.66 acres), classified within the AR2a and RS15 districts, requested by Avondale Park Partnership, owners, Civil Site Design Group, engineer.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2005S-051G-06 to April 28, 2005 at the request of the applicant. (9-0)

FINAL PLATS

2. **97S-014U-03**
Forest Vale Subd.
Map 059-01, Parcels 28-34
Subarea 3 (2003)
District 1 (Gilmore)

A recommendation from the Metropolitan Department of Law 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 (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. The original plat was approved without the required sewer line extension being built or properly bonded.

The Metropolitan Planning Commission DEFERRED Final Plat 97S-014U-03 to April 28, 2005 at the request of the applicant. (9-0)

3. **2005S-058U-05**
Jaywood Subdivision
Map 071-12, Parcels 22, 23
Subarea 5 (1994)
District 5 (Murray)

A request for final plat approval to create 3 lots abutting the east margin of Lischey Avenue at the east terminus of Marshall Street (0.91 acres), classified within the RS5 District, requested by Mutual Contractors, LLC, owner, John Hood, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST - Final Plat

This request is to create 3 lots on the east side of Lischey Avenue on 0.69 acres.

ZONING

RS5 district - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBDIVISION DETAILS

This subdivision proposes three lots fronting onto Lischey Avenue. There are currently two parcels existing with one parcel fronting on Marshall Street, an unimproved road in this location. Therefore, there is no access to the parcel. This subdivision creates a better situation by allowing street frontage for all three lots proposed.

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 test was conducted and all three lots pass for lot area and frontage.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Ms. Harris presented and stated that staff is recommending approval of final plat 2005S-058U-05.

Mr. Fletcher Allen, 1707 Lischey Ave, spoke in favor of this item.

Ms. Janet Shands, 1001 14th Avenue South, owner, spoke in favor of the three lot subdivision.

Councilmember Loring commented that Councilwoman Murray was not in favor of approving the three lot subdivision due to its incompatibility with the area. He stated he would be opposed to this proposal.

Mr. Ponder moved, and Ms. Jones seconded the motion, to approve Final Plat 2005S-058U-05. **(8-1) No Vote - Loring**

Resolution No. RS2005-110
"BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-058U-05 is **APPROVED. (8-1)**"

**VIII. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

- 4. **2005Z-034U-09**
Map 082-15, Parcels 141, 154
Subarea 9 (1997)
District 6 (Jameson)

A request to change from IWD to MUG district property located at 501 and 537 Main Street (5.76 acres), requested by Allen Ramsey, P.E., for Affordable Housing Resources and Rice Enterprises, LLC,

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 5.76 acres from Industrial Warehousing and Distribution (IWD) to Mixed Use General (MUG) district zoning located at 501 and 537 Main Street.

Existing Zoning

IWD district - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 5 COMMUNITY PLAN POLICY

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.

Commercial Arterial Existing -CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

Policy Conflict - No. The MUG district will implement uses called for by the Residential Medium High and Commercial Arterial Existing policies. This zoning will promote development that can serve as the catalyst for redeveloping Main Street into a pedestrian-friendly area.

METRO SCHOOL BOARD REPORT

Projected student generation* 5 Elementary 2 Middle 1 High

Schools Over/Under Capacity - Students would attend Ross Elementary School, Bailey Middle School, or Stratford High School. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated February 3, 2005.

*MUG zoning permits a variety of uses, and the ultimate uses on this property are not known at this time. School generation estimates were based on number of units proposed in the associated Traffic Impact Study.

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. The driveway on Spring Street shall be located 255 feet from Main Street. This driveway shall be a right-in only driveway with no exiting lane.
2. A northbound right turn lane shall be constructed on Spring Street at the access driveway. This lane shall provide maximum available storage, approximately 115 feet, with a 90 foot transition per AASHTO standards. Transition will terminate 50 feet from Main Street/Spring Street intersection.
3. Construct a center turn lane along Main Street frontage with transition per AASHTO standards and install a westbound left turn lane on Main Street at Spring Street/5th Street with 250 feet of storage.
4. Install an eastbound left turn lane at the Main Street access driveway with 75 feet of storage in center turn lane.
5. Install a 2 way left turn lane from North 6th Street to the Main Street access drive way.
6. The project driveway on Main Street shall be constructed with a minimum of 1 lane for entering traffic and 2 lanes for exiting traffic. The exiting lanes shall have a minimum of 50 ft of storage.
7. No parking shall be allowed along the access driveway for 50 feet from Main Street on the entering or exiting lanes including along any median constructed.
8. The project driveways on North 6th Street shall be constructed with a minimum of 1 lane for exiting traffic and 1 lane for entering traffic.
9. A westbound right turn lane shall be constructed on Main Street from Spring Street to project access driveway with transition per AASHTO standards.
10. Construct a westbound right turn lane on Main Street at access driveway with a bus pull-off bay along the remaining Main Street frontage with a design per MTA guidelines. No bulb outs along Main Street will be allowed.
11. Corner radii at Spring Street and North 6th Street shall be adequate for SU-30 truck turning movements.

12. Install pedestrian crosswalks and signals with ADA facilities on all approaches at the Main Street and Spring Street /South 5th Street intersection approaches.

Typical Uses in Existing Zoning District: IWD

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| Warehousing (150) | 5.76 | 0.244 | 61,221 | 304 | 28 | 29 |

Typical Uses in Proposed Zoning District: MUG

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| Warehousing (150) | 5.76 | 0.244 | 61,221 | 304 | 28 | 29 |

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 0 | 0 | 0 |

Maximum Uses in Existing Zoning District: IWD

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|------------------|-----------------------|--------------|--------------|
| Warehousing (150) | 5.76 | 0.80 | 200,724 | 1089 | 137 | 114 |

Maximum Uses in Proposed Zoning District: MUG

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-----|------------------|-----------------------|--------------|--------------|
| General Office (710) | 5.76 | 3 | 752,716 | 6312 | 943 | 921 |

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 5223 | 806 | 807 |

Approved with conditions (9-0), *Consent Agenda*

Resolution No. RS2005-111

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-034U-09 is **APPROVED WITH CONDITIONS**, including all Public Works conditions listed in the Staff Report, except #5 and #9, and the replacement of condition #10 with: A MTA bus stop pull-off is to be provided on Main Street or other provisions to accommodate MTA services are to be approved with the final site plan design. (9-0)

Conditions of Approval:

- The driveway on Spring Street shall be located 255 feet from Main Street. This driveway shall be a right-in only driveway with no exiting lane.

2. A northbound right turn lane shall be constructed on Spring Street at the access driveway. This lane shall provide maximum available storage, approximately 115 feet, with a 90 foot transition per AASHTO standards. Transition will terminate 50 feet from Main Street/Spring Street intersection.
3. Construct a center turn lane along Main Street frontage with transition per AASHTO standards and install a westbound left turn lane on Main Street at Spring Street/5th Street with 250 feet of storage.
4. Install an eastbound left turn lane at the Main Street access driveway with 75 feet of storage in center turn lane.
5. (MPW recommendation not included.)
6. The project driveway on Main Street shall be constructed with a minimum of 1 lane for entering traffic and 2 lanes for exiting traffic. The exiting lanes shall have a minimum of 50 ft of storage.
7. No parking shall be allowed along the access driveway for 50 feet from Main Street on the entering or exiting lanes including along any median constructed.
8. The project driveways on North 6th Street shall be constructed with a minimum of 1 lane for exiting traffic and 1 lane for entering traffic.
9. (MPW recommendation not included.)
10. A MTA bus stop pull-off is to be provided on Main Street or other provisions to accommodate MTA services are to be approved with the final site plan design.
11. Corner radii at Spring Street and North 6th Street shall be adequate for SU-30 truck turning movements.
12. Install pedestrian crosswalks and signals with ADA facilities on all approaches at the Main Street and Spring Street /South 5th Street intersection approaches.

The proposed MUG district is consistent with the Subarea 5 (East Nashville) Community Plan policies of RMH and CAE. Residential Medium High policy is intended for multifamily housing, involving nine to twenty dwelling units per acre, while Commercial Arterial Existing policy is intended to recognize pre-existing “strip commercial” areas along arterial streets and prevent additional expansion along these streets (for future redevelopment into more pedestrian-friendly areas). MUG zoning will help induce the redevelopment of this area as a pedestrian-friendly Main Street.”

5. 2005Z-038U-11
 Map 105-04, Parcels 208, 396
 Subarea 11 (1999)
 District 17 (Greer)

A request to rezone from R6 to OL district properties located at 36 Hart Street and Hart Street (unnumbered) (.28 acres), and within the Urban Zoning Overlay, requested by Vickie Cawthon of Morningstar Baptist Church, applicant/owner

Staff Recommendation - *Disapprove OL. If approved, staff recommends that a PUD accompany the rezoning to ensure that parking is the only permitted nonresidential use.*

APPLICANT REQUEST

Request to rezone 0.28 acres from residential single-family (R6) to Office Limited (OL) district properties located at 36 Hart Street and Hart Street (unnumbered).

Existing Zoning

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

OL district - Office Limited districts are intended for moderate intensity office uses.

SUBAREA 11 COMMUNITY PLAN POLICY

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.

Cameron-Trimble Detailed Neighborhood Design Plan (DNDP)-These properties also fall within the Cameron Trimble Detailed Neighborhood Design Plan. According to this DNDP, infill development is to be “compatible in scale and character of existing development,” consisting primarily of single-family and a moderate number of duplexes. In addition, the encroachment of nonresidential uses from commercial areas, particularly south of Lafayette Street and east of Lewis Street is “strongly discouraged.”

Policy Conflict - Yes. The OL district allows office uses, which are not permitted within the RM policy area.

In addition, the proposed OL district would not be compatible with the existing residential development pattern to the north of Hart Street and to the west of Lewis Street, as called for by the Cameron Trimble Neighborhood Plan. Hart Street currently acts as a limit for the largely industrial pattern of development to the south, and the immediate block south of Hart Street has transitional uses between the northern residential area and southern industrial land use pattern.

Another key factor to consider is that the Cameron Trimble Plan strongly recommends that office and low impact commercial uses be located between Lewis Street and Brown’s Creek, to the east of the properties proposed for rezoning to OL. This acts as further impetus to discouraging OL zoning to the west of Lewis Street.

It should be noted that the applicant’s previous request which did not come before the Commission included various parcels to the south of Hart Street for rezoning to OL. The applicant has qualified for an institutional special exception use for parking on these southern parcels, under the Metro Zoning Code, being a religious institution requesting parking within a residential zoning district. Under section 17.16.170 of the Metro Code, on a given block, “off-site parking associated with a place of worship shall be limited to a contiguous area”; accordingly, in this case, parcels 45-49 (those south of Hart Street) qualify for the institutional special exception use for parking in a residential area, being contiguous to church property.

Staff recommends disapproval of the rezoning to OL on the two parcels north of Hart Street. If this rezoning is approved by the Commission, staff recommends that a PUD accompany the rezoning to ensure that the **only** nonresidential use of the parcels is as parking for the applicant church.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS RECOMMENDATIONS-No Exception Taken.

Dedicate Right-of-way ROW per Major Street Plan.

Typical Uses in Existing Zoning District: R6

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-Family detached (210) | 0.28 | 4.81 | 1 | 10 | 1 | 1 |

Typical Uses in Proposed Zoning District: OL

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-----|-------------------|-----------------------|--------------|--------------|
|---------------------|-------|-----|-------------------|-----------------------|--------------|--------------|

| | | | | | | |
|----------------------|------|-------|-------|----|---|---|
| General Office (710) | 0.28 | 0.163 | 1,988 | 66 | 9 | 3 |
|----------------------|------|-------|-------|----|---|---|

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 56 | 8 | 2 |

Maximum Uses in Existing Zoning District: R6

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-Family detached (210) | 0.28 | 4.81 | 1 | 10 | 1 | 1 |

Maximum Uses in Proposed Zoning District: OL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|------------------|-----------------------|--------------|--------------|
| () | 0.28 | 0.75 | 9,148 | 212 | 28 | 14 |

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 202 | 27 | 13 |

No exception taken

Luis Pereira presented and stated that staff is recommending disapproval of OL. He further explained that if the zone change was approved, that staff is recommending that a PUD accompany the rezoning to ensure that parking is the only permitted nonresidential use.

Ms. Vickie Cawthon, 11 Hart Street, spoke in favor of the proposal.

Rev. Gregory Powell, 11 Hart Street, spoke in favor of the proposal.

Mr. Larry McClanahan, Engineer, spoke in favor of the zone change request.

Councilmember Greer spoke of the positive impacts that this church has had on the surrounding community, and requested approval. He agreed with staff for the necessity of the accompanying PUD overlay that will ensure that parking is the only nonresidential use for this parcel..

Ms. Nettie Scott, 1266 2nd Ave South, spoke in opposition to the proposal.

Mr. Small stated the difficulty in reaching a decision, and commented that he would be in favor of approving office zoning with the PUD overlay.

Ms. Jones expressed concerns with the layout of the site and mentioned the difficulty with the proposal. She commented she would be willing to support if there were a PUD in place for nonresidential parking.

Councilmember Loring spoke in favor of the proposal due to the fact that it conforms with the surrounding area.

Commissioner McLean stated he would be in favor of the proposal as long as there was a PUD included to restrict uses to parking only.

Mr. Clifton agreed with Mr. McLean, and is also in favor of the proposal with the PUD.

Ms. Cummings spoke in favor of the proposal with the inclusion of the PUD.

Mr. Tyler spoke in favor of the proposal with a PUD in place.

Mr. Ponder requested additional information on the other various types of zoning that could be utilized for this site and whether the request for a PUD would hinder the timeline for this development.

Mr. Kleinfelter explained the filing deadlines for this development.

Mr. Ponder moved, and Mr. Loring seconded the motion, which passed unanimously to approve Zone Change 2005Z-038U-11 to OL zoning, with the requirement that an accompanying PUD ensures that parking is the only permitted nonresidential use; without the PUD, the OL zoning would be disapproved. **(9-0)**

Resolution No. RS2005-112

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-038U-11 is **DISAPPROVED OL ZONING with no PUD; APPROVED OL ZONING with a PUD that limits the use to parking for the applicant church. (9-0)**

The proposed Office Limited district is not consistent with the land use policies outlined by the Subarea 11 Community Plan, and the Cameron Trimble Detailed Neighborhood Design Plan. RM policy is intended for residential development between four to nine dwelling units per acre, while the Cameron Trimble DNDP states that infill development should consist primarily of single-family homes, and that nonresidential uses from commercial areas, particularly east of Lewis Street are “strongly discouraged.” The moderate intensity office uses allowed by OL zoning are inconsistent with both of these plans. Given that the intended use of this zoning is for parking for a neighborhood church, OL zoning is only allowable with a PUD submittal that limits the use to church parking.”

-
6. **2005Z-042U-12**
Map 133, Parcel 014
Subarea 12 (2004)
District 26 (Adkins)

A request to change from SCC to CS district property located at 3901 Nolensville Pike, on the southwest corner of Nolensville Pike and Elysian Fields Court (0.61 acres), requested by Mohsen Ghiassi, owner.

Staff Recommendation - Disapprove. *The requested zoning district is not consistent with the subarea policy for the area.*

APPLICANT REQUEST - Applicant request that an approximately 0.61 acre parcel of land be rezoned from Shopping Center Community (SCC) to Commercial Service (CS).

Existing Zoning

SCC District - Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

Proposed Zoning

CS District - Commercial Services (CS) is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and

light manufacturing and small warehouse uses.

SOUTHEAST COMMUNITY PLAN POLICY

CC Policy - Community Center (CC) policy is intended for dense, predominately commercial areas at the edge of a neighborhood, which is either located at the intersection of two major thoroughfares, or extends along a major thoroughfare. Appropriate uses consist of a variety of retail and services that serves several neighborhoods. Also appropriate within this policy are higher intensity residential, small-scale non-nuisance type crafts and open space.

Policy Conflict - Yes. Although the proposed Commercial Services (CS) district will allow a variety of uses that can be found within the existing zoning (SCC), it also allows uses such as automobile sales, auto repair, and mini storage warehouse that are not allowed within the existing zoning. Many of the uses allowed in the existing zoning, as well as, the proposed zoning are not appropriate for the area policy. Also, the requested zoning is not listed as an acceptable zone within the existing policy (LUPA., p. 93). Although CS zoning is located along the east side of Nolensville Pike currently, extending more CS zoning to the west side is not appropriate, as it will set a precedent, which is not consistent with the area policy.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - A Traffic Impact Study (TIS) may be required at development.

Typical Uses in Existing Zoning District: SCC

| Land Use (ITE Code) | Acres | FAR | Total Square footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 0.61 | 0.102 | 2,710 | 116 | 3 | 11 |

Typical Uses in Proposed Zoning District: CS

| Land Use (ITE Code) | Acres | FAR | Total Square footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| Specialty Retail Center (814) | 0.61 | 0.249 | 6,616 | 294 | | 18 |

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 |
|---------------------|-------|----|------------------|-----------------------|--------------|--------------|
| -- | | | | 178 | 3 | 7 |

Maximum Uses in Existing Zoning District: SCC

| Land Use (ITE Code) | Acres | FAR | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|-------|-----|----------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 0.61 | 0.5 | 13,286 | 571 | 14 | 50 |

Maximum Uses in Proposed Zoning District: CS

| Land Use (ITE Code) | Acres | FAR | Total Square footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-----|----------------------|-----------------------|--------------|--------------|
|---------------------|-------|-----|----------------------|-----------------------|--------------|--------------|

| | | | | | | |
|--------------------------|------|-----|--------|--|-----|-----|
| Convenience Market (852) | 0.61 | 0.6 | 15,942 | | 495 | 552 |
|--------------------------|------|-----|--------|--|-----|-----|

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

| Land Use (ITE Code) | Acres | -- | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|------------------|-----------------------|--------------|--------------|
| -- | | | | | 481 | 502 |

RECOMMENDATION - Because the requested zoning is not consistent with the current policy for this area, the request is *not* appropriate. Staff recommends that the request be disapproved.

Jason Swaggart presented and stated that staff is recommending disapproval of zone change 2005Z-042U-12 due to its inconsistency with the subarea policy for this area.

Mr. Mahan Ghiassi, 601 Old Hickory Blvd., spoke in favor of the proposal. He mentioned he had obtained a petition from those in favor of the proposal.

Mr. John Arriola, 3754 Nolensville Road, spoke in opposition to the proposal.

Ms. Michelle Arriola, 3754 Nolensville Road, spoke in opposition to the proposal.

Mr. McLean requested additional information regarding the previous land use for this parcel. Mr. Swaggart stated it was an abandoned gas station.

Mr. Ghiassi explained that there was a repair shop in the back of the gas station.

Mr. Clifton commented on the current land uses for this area and stated he would be in favor of staff recommendation.

Ms. Cummings is in agreement with staff due to the saturation of auto repair shops in the area.

Mr. Tyler questioned the previous uses and whether the uses could be considered under a grandfather clause.

Mr. Kleinfelter explained that if there were previous uses that could be considered under the grandfather clause, that this decision would have to be determined by the Codes Department.

Mr. Ponder stated he was in agreement with staff recommendation.

Mr. Loring agreed with staff recommendation to disapprove based on the saturation of the same types of businesses located in this area.

Mr. Ponder moved, and Mr. Small seconded the motion, which passed unanimously to disapprove Zone Change 2005Z-042U-12. **(9-0)**

Resolution No. RS2005-113

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-042U-12 is **DISAPPROVED. (9-0)**

The proposed CS district is not consistent with the Southeast Community Plan’s Community Center land use policy, which intends for dense commercial areas near a neighborhood edge and major thoroughfares. Appropriate uses include neighborhood retail and services, higher intensity residential, small-scale crafts, and open space. The CS district allows a variety of uses such as automobile sales, auto repair, and mini

storage warehouse that are not allowed by the CC policy. Extending more CS zoning to the west side of Nolensville Pike will also set a precedent inconsistent with the policy.”

7. **2005Z-043U-08**
 Map 082-09, Parcel 151
 Subarea 8 (2002)
 District 19 (Wallace)

A request to change from IG to MUG district property located at 96 Taylor Street, at the northeast corner of Taylor Street and 1st Avenue North (0.84 acres), requested by Brett Massey, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Request to rezone 0.84 acres from Industrial General (IG) to Mixed Use General (MUG) district property located at 96 Taylor Street, at the northeast corner of Taylor Street and 1st Avenue North.

Existing Zoning

IG district - Industrial General is intended for a wide range of intensive manufacturing uses.

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Urban (NU) -NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

East Germantown Detailed Neighborhood Design Plan

Mixed Use in Neighborhood Urban According to the East Germantown DNDP, the intent of MxU in NU policy is for a fairly intense area that contains a significant amount of residential uses, but overall having mixed uses. This policy recognizes commercial, residential, and light industrial land uses, and includes most of East Germantown and Germantown.

Policy Conflict - No. The proposed MUG district is consistent with the North Nashville Plan’s Neighborhood Urban policy, as well as the East Germantown Plan’s MxU in NC policy. MUG allows for a moderately high mix of residential, retail, and office uses, which are consistent with these policies.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS’ RECOMMENDATION -No Exception Taken.

Typical Uses in Existing Zoning District: IG

| Land Use (ITE Code) | Acres | FAR | Total Square feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| General Heavy Industrial (120) | 0.84 | 0.204 | 7,464 | 12 | 4 | 5 |

Typical Uses in Proposed Zoning District: MUG

| Land Use (ITE Code) | Acres | FAR | Total Square feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-----|-------------------|-----------------------|--------------|--------------|
|---------------------|-------|-----|-------------------|-----------------------|--------------|--------------|

| | | | | | | |
|----------------------|------|-------|-------|----|----|----|
| General Office (710) | 0.84 | 0.184 | 6,733 | 75 | 11 | 10 |
|----------------------|------|-------|-------|----|----|----|

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 63 | 7 | 5 |

Maximum Uses in Existing Zoning District: IG

| Land Use (ITE Code) | Acres | FAR | Total Square feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|--------------------------------|-------|-----|-------------------|-----------------------|--------------|--------------|
| General Heavy Industrial (120) | 0.84 | 0.6 | 21,954 | 33 | 12 | 15 |

Maximum Uses in Proposed Zoning District: MUG

| Land Use (ITE Code) | Acres | FAR | Total Square feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-----|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.84 | 3 | 109,771 | 1434 | 202 | 202 |

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | 1401 | 200 | 187 |

METRO SCHOOL BOARD REPORT

Projected student generation **4** Elementary **2** Middle **3** High

Schools Over/Under Capacity - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. Hill Middle School has been identified as being over capacity by the Metro School Board, but there is capacity within the cluster. Hillwood High School has been identified as being full, but not overcrowded. There is capacity in the adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated January 16, 2005.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-114

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-043U-08 is **APPROVED. (9-0)**

The proposed MUG zoning district is consistent with the North Nashville Community Plan’s Neighborhood Urban policy, intended for fairly intense areas that contain significant residential and mixed uses, including public benefit uses. MUG is also consistent with the East Germantown Plan’s Mixed Use in Neighborhood Center policy, as it allows a moderately high mixture of residential, retail, and office uses.”

8. **2005Z-044U-08**
Map 082-05, Parcel 30, 31
Subarea 8 (2002)

District 19 (Wallace)

A request to change from R6 to MUL district property located at 1700 and 1702 5th Avenue North (.40 acres) on the northeast corner of Garfield Avenue and 5th Avenue North, requested by John N. Kawinzi, owner.

Staff Recommendation - *Disapprove MUL, but approve MUN. Alternatively, approve MUL with the submittal of a Planned Unit Development or site plan that fulfills the intent of the land use policy.*

APPLICANT REQUEST - Request to change 0.40 acres from residential single-family (R6) to Mixed Use Limited (MUL) district property located at 1700 and 1702 5th Avenue North) on the northeast corner of Garfield Avenue and 5th Avenue North.

Existing Zoning

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

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Center (NC) - NC 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. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Salemtown Detailed Neighborhood Design Plan

Mixed Use in Neighborhood Center: The Salemtown DNDP calls for a MxU in NC policy for these two parcels. This plan says that on corner lots designated as mixed use, the structures are to be built to the sidewalk to provide a "main street" character.

Policy Conflict - The proposed MUL district is consistent with the North Nashville Plan's Neighborhood Center policy, as well as the Salemtown Plan's MxU in NC policy. MUL allows for a moderate intensity mix of residential, retail, and office uses, which are consistent with these policies.

The parcels in question make up one of the two neighborhood center areas designated in the Salemtown DNDP. They are also located across from the Metro Action Center, at the corner of a solid residential policy area. The potential for a quality retail/residential mixed use development on this site exists within the proposed MUL zoning, but given the uncertainty regarding the developer's intent, several other uses not compatible with the neighborhood would be allowed and potentially implemented within MUL as well, including a fast food restaurant, automobile parking, a mobile storage unit, or a car wash.

The NC policy calls for the submittal of a Planned Unit Development application or site plan to accompany proposals in these policy areas to ensure appropriate design, and to ensure that the development conforms with the intent of the policy.

Staff Recommendation: Staff recommends approval of **MUN** zoning, which is slightly less intense than MUL and proscribes the uses noted above (fast food restaurant, automobile parking, mobile storage unit, and car wash), with the concomitant disapproval of MUL. Alternatively, staff recommends approval of MUL with the submittal of an associated Planned Unit Development or other enforceable site plan, to ensure that the potential development is consistent with the overall intent of MxU in NC policy.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - TIS required prior to rezoning.

Typical Uses in Existing Zoning District: R6

| 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) | 0.40 | 6.18 | 3 | 29 | 3 | 3 |

Typical Uses in Proposed Zoning District: MUL

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---|-------|-------|-------------------|-----------------------|--------------|--------------|
| Gas Station with Convenience Market (945) | 0.40 | 0.23* | 4,007 | | 312 | 387 |

*adjusted as per typical and maximum square footage for this type use.

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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | | 309 | 384 |

METRO SCHOOL BOARD REPORT

Projected student generation **1** Elementary **0** Middle **0** High

Schools Over/Under Capacity - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. Hill Middle School has been identified as being over capacity by the Metro School Board, but there is capacity within the cluster. Hillwood High School has been identified as being full, but not overcrowded. There is capacity in the adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated January 16, 2005.

Mr. Pereira presented and stated that staff is recommending disapproval of MUL, but approval of MUN zoning.

Mr. John Kawinzi, owner, spoke in favor of the MUL zone change request.

Ms. Wendy Williams, 1601 5th Ave. North, spoke in opposition to the MUL zone change request.

Councilman Wallace questioned the consistency of MUL zoning in this area, and whether MUN would accommodate the request of the applicant. He stated he would be in favor of staff recommendation to approve MUN zoning for this area.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve staff recommendation for Zone Change 2005Z-044U-08, approval of MUN zoning and disapproval of MUL. **(9-0)**

Resolution No. RS2005-115

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-044U-08 is **DISAPPROVED MUL, BUT APPROVED MUN. (9-0)**

The proposed MUL zoning district is not consistent with the North Nashville Community Plan’s Community Center policy, and as well as the Salemtown Plan’s Mixed Use in Neighborhood Center policy. While MUL calls for uses in line with these policies (mix of residential, retail, and offices), it also allows for several uses

incompatible with the neighborhood, including fast food restaurants, automobile parking, a mobile storage unit, or a car wash. MUN zoning is less intense than MUL and proscribes the uses noted above.”

9. **2005Z-045U-10**
Map 132-01, Parcel 30
Subarea 10 (1994)
District 25 (Shulman)

A request to rezone from R20 to RS10 district property located at 4109 Lealand Lane (1.65 acres), approximately 550 feet north of Outer Drive, requested by Scott Morgan, applicant, for Horton G. Gangaware, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 1.65 acres from R20 to RS10 district property, located at 4109 Lealand Lane, approximately 550 feet north of Outer Drive.

Existing Zoning

R20 district - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. The R20 district allows approximately 5 dwelling units currently, with 25% duplex, or 4 lots.

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 RS10 district would allow for approximately 6 single-family lots.

SUBAREA 10 PLAN Policy

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Policy Conflict - Yes. The proposed RS10 district is not consistent with the Subarea 10 Plan's RL policy in this area intended for residential development at a density of one to two dwelling units per acre. The RS10 district allows for a density of 3.7 dwelling units per acre and exceeds the density range of the policy in this area.

RECENT REZONINGS - Adjacent parcel 31, to the south, was disapproved for RS10 zoning but approved for RS15 zoning by the Planning Commission at the December 9, 2004, Commission meeting. The item passed on first and second readings for RS10 zoning, was deferred by Metro Council on February 1, 2005, and subsequently passed by Council on third reading on February 15, 2005.

Properties to the south of adjacent parcel 31 were approved by the Commission for a change from R20 to RS20 zoning at its October 28, 2004, meeting.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. Dedicate ROW per major street plan.
2. Provide future cross access to adjacent properties.

Typical Uses in Existing Zoning District: R20

| Land Use (ITE Code) | Acres | Density | Total No. of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|-------------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 1.65 | 1.85 | 3 | 29 | 3 | 3 |

Typical Uses in Proposed Zoning District: RS10

| Land Use (ITE Code) | Acres | Density | Total No. of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|-------------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 1.65 | 3.7 | 6 | 58 | 5 | 6 |

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

| Land Use (ITE Code) | Acres | -- | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|------------------|-----------------------|--------------|--------------|
| -- | | 1.85 | 3 | 29 | 2 | 3 |

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Glendale Elementary School, Moore Middle School, or Hillsboro High School. Moore has been identified as being over capacity by the Metro School Board, but there is capacity within the cluster. This information is based upon data from the school board last updated January 16, 2005.

Mr. Pereira presented and stated that staff is recommending disapproval of the request to rezone to RS10.

Mr. Shawn Henry, Tune, Entriken & White, spoke in favor of the proposal.

Mr. Loring spoke in favor of approving the zone change request. He moved to approve.

Mr. Small stated that the zoning was not consistent with the subarea plan. He was in agreement with staff recommendation.

Mr. Ponder requested additional information on the previous lots that were approved for RS10 zoning. He stated he was in favor of the proposal and seconded the motion to approve.

Mr. Tyler expressed some issues associated with the proposal.

Mr. Clifton agreed that the zoning is not consistent with the subarea plan.

Mr. McLean requested additional information on the history of the surrounding lots.

The motion to approve zoning to RS10 failed.

Mr. Clifton moved, and Mr. McLean seconded the motion, to approve staff recommendation of Zone Change 2005Z-045U-10 which is to disapprove RS10, but to approve RS15 zoning. **(8-1) No Vote – Tyler**

Resolution No. RS2005-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-045U-10 is **DISAPPROVED as RS10, but APPROVED RS15. (8-1).**

The proposed RS10 zoning district is not consistent with the Subarea 10 Plan’s Residential Low policy, intended for residential development between one to two dwelling units per acre. RS10 allows up to 3.7 dwelling units per acre. The adjacent parcel to the south was disapproved for RS10 zoning but approved for RS15 zoning by the Planning Commission at the December 9, 2004, Commission meeting. The item subsequently passed by Council on third reading on February 15, 2005. Properties to the south of the adjacent parcel were approved by the Commission for a change from R20 to RS20 zoning at its October 28, 2004, meeting.”

- 10. 2005UD-002U-09**
Gateway Boulevard UDO
Map 93-06, Various Parcels
Subarea 9 (1997)
District 6 (Jameson)
District19 (Wallace)

A request to apply an Urban Design Overlay District to various properties located between 1st Avenue South and 8th Avenue South and between Demonbreun Street/Molloy Street and Peabody Street, and along the south side of Lafayette Street, classified CF, (40.59 acres), to permit a mixture of uses, including office, residential, and commercial uses with detailed design standards, requested by the Metro Planning Department and the Metropolitan Development and Housing Agency.

Staff Recommendation - Approve. This proposal is the outcome of collaboration between the community, Planning Department, and Metropolitan Development and Housing Agency in consultation with a local design firm. The UDO states: “The guidelines in this document are designed to shape the buildings that will radiate from and reinforce the strength of Gateway Boulevard as a primary vehicular and pedestrian thoroughfare. . . . These guidelines attempt to form the individual buildings that, when joined together in a series of blocks, will result in a whole that is greater than the sum of its parts—an active urban space that befits the design of Gateway Boulevard itself, that bridges the urban fabric on both sides of the street, and serves as a vital artery pulsing energy into downtown Nashville.”

APPLICANT REQUEST

Apply an Urban Design Overlay (UDO) district to various properties located between 1st Avenue South and 8th Avenue South and between Demonbreun Street/Molloy Street and Peabody Street, and along the south side of Lafayette Street.

Background - This UDO establishes design standards for future development along Gateway Boulevard that create an environment consistent with the vision of several studies of the area including the Subarea 9 Center City Plan, the Franklin Boulevard Design Guidelines, the Rolling Mill Hill Master Plan, and the Plan of Nashville.

Implementation - The UDO shall apply immediately to proposed development projects that front Gateway Boulevard between 1st Avenue South and 4th Avenue South. The UDO will apply to proposed development projects that front Gateway Boulevard between 4th Avenue South and 8th Avenue South once the final alignment of Gateway Boulevard is determined.

The affected properties are located within an MDHA Redevelopment District. The appropriate MDHA Design Review Committee for that Redevelopment District will be responsible for reviewing new development projects along Gateway Boulevard for conformance with the guidelines. The Planning Department will have a staff member on the Design Review committee. If a Redevelopment District expires, the Planning Department will assume the responsibility for design review.

Design Standards - The design standards of the UDO are divided into the following sections: Massing, Façade, and Parking and Screening. Each section includes language that describes the design intent of the standards for that section. Required design standards accompany each section and are supplemented with photographs and drawings that illustrate the standards and intent.

Under massing, standards relate to the placement of mixed-use buildings close to the sidewalk as well as the maximum height of the building. Building height is established through a maximum at the build-to line (100 ft.) as well as allowances for additional height as the building steps away from the street. Standards guide urban residential development along the boulevard as well.

Under façade, standards relate to wall planes, windows, exterior cladding, and awnings and canopies. The amount and orientation of windows is established for street level as well as upper stories. Appropriate materials are established for facades and accent surfaces. Material and height standards are included for awnings and canopies.

Under parking and screening, standards relate to surface parking lots, parking structures, and screening of parking and equipment. This section establishes standards for the location and design of structures that face streets. Parking lots are strongly discouraged and must incorporate heavy screening when fronting Gateway Boulevard.

SUBAREA 9 POLICY – The policy states that a UDO is recommended for development that fronts Gateway Boulevard. The goals and objectives established in the plan are as follows:

- To achieve a scale and form of development along this urban boulevard that emphasizes the sensitivity to the pedestrian environment;
- To minimize the intrusion of the automobile into the urban setting;
- To provide sensitive interconnection between building masses and the pedestrian oriented street forming a comfortable outdoor room at a pedestrian scale;
- And to provide sufficient landscaping and other street furniture amenities to soften the ambiance of the street.

Policy Conflict -No. The UDO implements the policy of the area.

TRAFFIC

Traffic Study Submitted - None. One was not required

Public Works' Recommendation - Approve. Public Works has reviewed the proposed urban design overlay plan and transportation plan and recommended changes that have been incorporated into the plans.

Approve, *Consent Agenda* (9-0)

Resolution No. RS2005-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-002U-09 is **APPROVED. (9-0)**”

IX. PRELIMINARY SUBDIVISION PLATS

11.

2005S-070G-03

Whites Creek Manor
Map 040, Parcel 204
Subarea 3 (2003)
District 3 (Tucker)

A request for preliminary plan approval for 26 lots abutting the west margin of Whites Creek Pike, approximately 200 feet south of Knight Drive (9.97 acres), classified within the R15 District, requested by Richard Binkley, owner, William T. Smith, surveyor.

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

Mr. Bill Thompson, 3832 Dry Folk Road, spoke in favor of proposed development.

Mr. Donald Wall, 3104 Clarksville Highway, expressed concerns regarding the development and requested deferral.

Council Lady Baldwin-Tucker requested that this proposal be deferred one meeting to allow additional time for community discussion.

Mr. Richard Binkley, owner, spoke in favor of the proposal and opposed the request to defer.

Mr. Tommy Smith, Land Surveyor, pointed out new developments taking place south of the area.

Mr. Ponder commented on the lot sizes and their current zoning. He expressed concerns with zoning density and the possibility of additional duplexes.

Mr. Tyler commented that he was in favor of the cluster lot, but expressed a concern regarding the lack of community input. He was in favor of deferring the item for one meeting to allow a community meeting.

Ms. Cummings was in favor of deferring to allow a neighborhood meeting with the developer.

Mr. Clifton stated he was in favor of approving the proposal. He indicated that there were not any planning issues that would warrant a three week deferral.

Mr. Lawson acknowledged that the proposal was not a zone change request, and commented that the community should have the opportunity to review and explore the proposal before the Commission takes action.

Ms. Harris clarified that duplexes would have to be stated on the plat when approved, and currently, there is no such request for duplexes.

Mr. McLean expressed concerns regarding the current zoning on the property. He would be in agreement on deferring this item for one meeting.

Ms. Holleman stated that the Commission can not defer the preliminary plan and request a zone change. However, they can defer to allow additional time for community involvement and exploration.

Mr. Small commented on the issue of the area already being zoned R15 and the request to obtain approval of the preliminary plat. He stated that due to lack of community input, he would be in favor of deferring this proposal.

Ms. Jones expressed concerns on the issue of deferring as well as approving the proposal.

Mr. Loring spoke in favor of deferring this proposal one meeting to allow a community meeting.

Mr. Ponder requested additional information regarding the current zoning and any future zone changes and whether they could take place prior to final approval of this plat.

Ms. Harris stated that any zone changes would have to be submitted to the Commission prior to final approval.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously, to defer Preliminary Subdivision Plat 2005S-070G-03 to April 14, 2005 to allow additional time for community involvement. **(9-0)**

Resolution No. RS2005-118

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-070G-03 is DEFERRED to the April 14, 2005 COMMISSION meeting. (9-0)”

The Commission recessed at 5:35 p.m.

The Commission resumed at 5:50 pm.

X. FINAL PLATS

- 12. 2005S-024G-14**
Hadley's Bend City
Map 064-09, Parcel 020, 021
Subarea 14 (2004)
District 11 (Brown)

A request for final plat approval to create four lots abutting the northeast corner of Commerce Street and Main Street, (0.90 acres), classified within the R8 District, requested by Ozzie Winters, owner, C & K Surveying, surveyors.

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-024G-14 to April 14, 2005 at the request of the applicant. (9-0)

- 13. 2005S-061U-12**
Super Wal-Mart on Nolensville
Map 147, Parcel 038, 044
Subarea 12 (2004)
District 26 (Adkins)

A request for final plat approval to create 6 lots abutting the northeast corner of Harding Place and Nolensville Pike (21.51 acres), classified within the SCR District, requested by Tennessee-Florida Investors, LLC, owner/developer, Gresham, Smith & Partners, surveyor.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Final Plat -This request is to create 6 lots on 21.51 acres along the northeast corner of Harding Place and Nolensville Pike, the current location of Harding Mall.

ZONING

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

SUBDIVISION DETAILS - This subdivision proposes six lots at the corner of Nolensville Pike and Harding Place. This is a commercial subdivision with two access drives from Harding Place, and one drive from Nolensville

Pike. No additional access shall be permitted with the proposed lots along Nolensville and Harding Place. The existing drives on Welch Road are not shown on the plan and if to be used for the proposed development, they must be shown on the plan prior to the Planning Commission meeting.

This development is along Mill Creek and requires an additional 25' "Dedicated Conservation Greenway Public Access Trail Easement Area." This should be shown on the plan prior to the recordation of the plat.

PUBLIC WORKS' RECOMMENDATION

1. Label and show reserve right of way strip along Nolensville Road, 54 feet from road centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
2. Label and show reserve right of way strip along Harding Place, 54 feet from road centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).

Traffic Comments:

1. Cross access easement between lot 1, lot 6, and lot 5 are not clearly identified.

CONDITION

1. Prior to the recordation of the plat, approvals must be received from Metro Water Services, including all capacity fees and comments from the Stormwater Division.
2. Add 25' "Dedicated Conservation Greenway Public Access Trail Easement Area" to the plat along Mill Creek.
3. All traffic conditions listed above, under Public Works Recommendation, must be shown on the final plat prior to recordation.
4. Prior to the Planning Commission meeting, a revised plan must be submitted showing all existing and proposed access points for the development, especially along Welch Road.
5. A note shall be added to the plat that states that "Lots 2,3,4, and 5 shall have no direct access to Nolensville Pike or Harding Place."

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

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

Mr. David King, 203 Third Avenue South, expressed issues regarding water and flooding in association with the proposal.

Mr. Mike Cochran, Gresham Smith & Partners, spoke in favor of the proposal and addressed the issues relating to flooding and water.

Mr. Ponder spoke in favor of the proposal.

Mr. Clifton requested additional information regarding the stormwater management issues, in particular, the water run-off implementation plan.

Mr. Steve Mishu, Metro Stormwater, explained that all water run off will be managed through pervious pavements included in the plan.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Final Plat 2005S-061U-12. **(9-0)**

Resolution No. RS2005-119

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-061U-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Label and show reserve right of way strip along Nolensville Road, 54 feet from road centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
2. Label and show reserve right of way strip along Harding Place, 54 feet from road centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
3. Cross access easement between lot 1, lot 6, and lot 5 are not clearly identified.
4. Prior to the recordation of the plat, approvals must be received from Metro Water Services, including all capacity fees and comments from the Stormwater Division.
5. Add 25' “Dedicated Conservation Greenway Public Access Trail Easement Area” to the plat along Mill Creek.
6. Prior to the Planning Commission meeting, a revised plan must be submitted showing all existing and proposed access points for the development, especially along Welch Road.
7. A note shall be added to the plat that states that “Lots 2,3,4, and 5 shall have no direct access to Nolensville Pike or Harding Place.”

-
- 14. 2005S-068U-05**
Pine Ridge, Subdivision of Lot 1
Map 060, Parcel 117
Subarea 5 (1994)
District 2 (Isabel)

A request for final plat approval to create 2 lots abutting the south margin of Pine Ridge Drive, approximately 270 feet west of Dickerson Pike, with a variance request for sidewalks (0.68 acres), classified within the RS7.5 District, requested by Allison & Betty Dawkins, owners, Dividing Line Surveying Services, surveyor.

Staff Recommendation - *Approve with conditions, disapprove sidewalk variance request*

APPLICANT REQUEST - Final Plat

This request is to create 2 lots on 0.68 acres on the south side of Pine Ridge Drive, approximately 270 feet west of Dickerson Pike.

ZONING

RS7.5 district - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

SUBDIVISION DETAILS - This subdivision proposes two lots on the south side of Pine Ridge Drive between a commercially zoned property to the east and a residential subdivision to the west.

Sidewalk Variance Request – The applicant has requested a variance for Section 2-6.1 of the Subdivision Regulations. Sidewalks are required since it is located within the Urban Services District (USD) and would create new development rights. The applicant has stated that there are no other sidewalks along Pine Ridge Drive and that the subject property is next to common open space for the adjacent subdivision.

Staff recommends disapproval of the sidewalk variance. According to the subdivision regulations, the applicant has the option of constructing the sidewalks or making a financial contribution to the Metro sidewalk fund since there are no other sidewalks along Pine Ridge Drive. The property is flat along the frontage, which would allow for sidewalk construction.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITION

Prior to the recordation of this plat, the following shall be revised:

1. Add a 3' right-of-way dedication along Pine Ridge Drive;
2. Add the sidewalk along Pine Ridge Drive; and
3. Add parcel numbers and subdivision number on the plat.

Ms. Harris presented and stated that staff is recommending approval with conditions, but disapproval of the sidewalk variance.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Final Plat 2005S-068U-05, but disapprove the sidewalk variance request. **(9-0)**

Resolution No. RS2005-120

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-068U-05 is APPROVED WITH CONDITIONS, BUT DISAPPROVED SIDEWALK VARIANCE. (9-0)

Conditions of Approval:

1. Add a 3' right-of-way dedication along Pine Ridge Drive;
2. Add the sidewalk along Pine Ridge Drive; and
3. Add parcel numbers and subdivision number on the plat.”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 15. 97P-005U-11**
Bhomar PUD (Import Specialty Service)
Map 119-01, Parcel 496
Subarea 11 (1999)
District 16 (McClendon)

A request for final approval for the Commercial Planned Unit Development located at 375 Glenrose Avenue, at Hester Avenue, classified CS, (1.67 acres), to develop a 7,200 square foot, 8 bay, automotive repair facility, requested by Dale and Associates, for Bhomar, LLC, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 97P-005U-11 to April 14, 2005 at the request of the applicant. (9-0)

- 16. 2004P-013G-12**
Legg Development PUD
Map 181, Parcel 49
Subarea 12 (2004)
District 31 (Toler)

A request to revise the preliminary and for final approval for a Planned Unit Development located abutting the north side of Nolensville Pike, opposite Concord Road, classified SCC, RM9 and RS15, (75.29 acres), to develop 45

single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and grocery store uses, requested by Sain Associates, Inc, for Hoover Inc., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary and Final PUD

Revise the preliminary and approve a final Planned Unit Development on 75.29 acres located on the north side of Nolensville Pike, opposite Concord Road, classified SCC, RM9, and RS15, to develop 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and grocery store uses.

PLAN DETAILS

Site Design -The proposed plan shows the southern part of the PUD along Nolensville Pike designated for the development of 51,651 square feet of retail/restaurant uses, 66,000 square feet of grocery store uses, and 119,200 square feet of retail uses. Immediately north of the commercial uses, the plans call for 248 2-story townhome units, and 45 single family homes in the northernmost part of the PUD.

Access - There are 3 proposed access points along Nolensville Pike on the southern portion of the PUD. As a condition to the preliminary PUD, the plans show that the owner and tenants agree to abandon any access on the southeastern boundary of the property for the construction of the future Southeast Arterial Roadway (along the PUD's southeastern border). Stubbing from the main public road running through the PUD, there is another 50' wide public road to the western PUD boundary, called Valley Oak Drive. This stub-street was required by Planning Staff to provide future access to the adjacent property.

Sidewalk requirement - This site does not fall within the Urban Services District or in an area where the SPI is greater than 20, but it is a large new PUD. Sidewalks are shown along both sides of Autumn Crossing Way and Concord Hills Drive, as required by the Council Bill. Sidewalks are shown on one side of the private drives that provide access to the townhome units. The sidewalk along the eastern access road of the townhomes connects to a 5' pedestrian easement that extends to the single family units. This is to provide safe pedestrian access to the commercial part of the PUD to the south. As a condition of final PUD approval, a sidewalk **shall** also be shown on the frontage of Nolensville Pike to provide future pedestrian access to the PUD from adjacent residential areas. This sidewalk may be bonded with the commercial part of the PUD. The applicant is in agreement with this sidewalk requirement.

Open Space and Landscaping - There are detention/open space areas located in the single family and townhome areas of the PUD. The plans comply with the 15% open space requirement of the single-family area, by providing 2.97 acres (17.5% of this area). The provided open space in the townhome part of the PUD is 6.69 acres (there is no requirement for open space in multifamily developments).

The site plan shows a class "C" landscape buffer along the southeastern commercial boundary of the PUD (adjacent to an AR2a district). As a condition of final PUD approval, the plans must also show the same class "C" landscape buffer along the western commercial PUD boundary.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - Public Works' conditions of final PUD approval are as follows:

1. That the applicant identify solid waste collection and disposal procedures.
2. That the applicant identify mail service delivery for the multifamily area.
3. Approval subject to Public Works' review and approval of construction plans submitted with the final PUD. Construction plan approval is contingent on the following:
 - All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
 - Proof-rolling of all street sub-grades is required in the presence of the Public Works Inspector,

with the request to be made 24 hours in advance.

- Stop signs to be 30 inch by 30 inch.
 - Street signs to have six inch white letters on a nine inch green aluminum blade.
4. Final PUD approval is contingent on the following changes/additions being made to the residential portion of the PUD plans:
 - The centerline grade on the “main” road must match up with the commercial portion at Sta. 5+50.
 - b. The commercial driveway ramps shall be shown at the private drives.
 - Standard Public Works’ drawings shall be shown, including signatures ST-200, 210, 252, 260, 320, 324, 328, and 330.
 5. No building permits shall be issued until all off-site improvements have been designed, easements acquired, and construction plans approved by both Metro Public Works, and the Tennessee Department of Transportation.
 6. No use and occupancy permits shall be issued until all conditioned off-site improvements have been constructed and accepted by the Department of Public Works and the Tennessee Department of Transportation.

Stormwater Conditions:

1. Need drainage map showing sub-area flowing to each structure, including: Area, C/CN, Tc, and Q for Design Event.
2. Calculate hydraulic grade line at each structure.
3. Provide drainage table showing all structures including inlets, headwalls, junction boxes, manholes, ditches (bottom width and length), box culverts, etc.
4. Provide calculation for spread on road.
5. Provide drainage map showing existing condition and drainage map showing proposed condition for each flow direction.
6. Provide summary table showing existing and proposed flow for each exit.
7. Information on the next two downstream structures.

Conditions of Approval:

1. The final PUD plans must be revised to show a class “C” landscape buffer on the western, commercial portion of the PUD (between the SCC and adjacent AR2a zoning district).
2. The final PUD plans must be revised to show a sidewalk connection between the 5 foot pedestrian access easement that connects the single family portion of the PUD with the townhomes and the sidewalk that connects the townhomes with the commercial part of the PUD on the eastern private drive.
3. Prior to any final plat approval, a sidewalk along the frontage of Nolensville Pike shall be completed or bonded. The applicant shall coordinate this with Public Works’ scheduled road expansion of Nolensville Pike.

4. All conditions listed under “Public Works’ Recommendation,” “Stormwater Conditions,” above, and all conditions listed in Bill BL2004-282 shall be satisfied.
5. 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.
6. 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.
7. 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.
8. 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.
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.

Approve w/conditions (9-0), *Consent Agenda*

Resolution No. RS2005-121

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. That the applicant identify solid waste collection and disposal procedures.
2. That the applicant identify mail service delivery for the multifamily area.
3. Approval subject to Public Works’ review and approval of construction plans submitted with the final PUD. Construction plan approval is contingent on the following:
 - All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
 - Proof-rolling of all street sub-grades is required in the presence of the Public Works Inspector, with the request to be made 24 hours in advance.
 - Stop signs to be 30 inch by 30 inch.
 - Street signs to have six inch white letters on a nine inch green aluminum blade.
4. Final PUD approval is contingent on the following changes/additions being made to the residential portion of the PUD plans:
 - The centerline grade on the “main” road must match up with the commercial portion at Sta. 5+50.
 - The commercial driveway ramps shall be shown at the private drives.
 - Standard Public Works’ drawings shall be shown, including signatures ST-200, 210, 252, 260, 320, 324, 328,

and 330.

5. No building permits shall be issued until all off-site improvements have been designed, easements acquired, and construction plans approved by both Metro Public Works, and the Tennessee Department of Transportation.
6. No use and occupancy permits shall be issued until all conditioned off-site improvements have been constructed and accepted by the Department of Public Works and the Tennessee Department of Transportation.
8. Need drainage map showing sub-area flowing to each structure, including: Area, C/CN, Tc, and Q for Design Event.
9. Calculate hydraulic grade line at each structure.
10. Provide drainage table showing all structures including inlets, headwalls, junction boxes, manholes, ditches (bottom width and length), box culverts, etc.
11. Provide calculation for spread on road.
12. Provide drainage map showing existing condition and drainage map showing proposed condition for each flow direction.
13. Provide summary table showing existing and proposed flow for each exit.
14. Information on the next two downstream structures.
15. The final PUD plans must be revised to show a class "C" landscape buffer on the western, commercial portion of the PUD (between the SCC and adjacent AR2a zoning district).
16. The final PUD plans must be revised to show a sidewalk connection between the 5 foot pedestrian access easement that connects the single family portion of the PUD with the townhomes and the sidewalk that connects the townhomes with the commercial part of the PUD on the eastern private drive.
17. Prior to any final plat approval, a sidewalk along the frontage of Nolensville Pike shall be completed or bonded. The applicant shall coordinate this with Public Works' scheduled road expansion of Nolensville Pike.
18. 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.
19. 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.
20. 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.
21. 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.
22. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field

inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

17. **2004P-033G-06**
Loveless Café
Map 169, Parcel 14
Subarea 6 (2003)
District 35 (Tygard)

A request for a revision to preliminary and final approval for a Planned Unit Development district located at 8400 Highway 100, along the north side of Highway 100 and the west side of Westhaven Drive, classified CL, (4.43 acres), to permit 1,540 square feet of new retail uses (replacing 1,350 sq. ft.), a 10,000 square foot banquet hall with 142 parking spaces with 66 deferred spaces, a 2,304 square foot motel with 6 executive suites, requested by Tuck Hinton Architects, for Loveless Properties, LLC, owner.

Staff Recommendation-Approve with conditions

APPLICANT REQUEST - Revise Preliminary and Final PUD

Revise preliminary and approve a final Planned Unit Development (Loveless Café) in the CL zoning district, to permit 1,540 square feet of new retail space, a 10,000 square foot banquet hall, a 2,304 square foot motel with six executive suites, 142 parking spaces, and 66 deferred parking spaces.

PLAN DETAILS - A restaurant and retail building, totaling 7,932 square feet, currently exist on site. This plan proposes an additional 13,844 square feet and includes 6 new retail structures (a total of 1,540 square feet), a banquet hall (10,000 square feet), and a motel consisting of 2,304 square feet). There is an additional retail building included in the preliminary PUD of 1,200 square feet that will be developed in the future.

The preliminary PUD was approved for 22,786 square feet of floor area by the Metro Council in January 2005. The existing development, the development proposed by this plan and the remaining 1,200 square feet of future development total 22,976 square feet. This plan proposes 190 square feet (0.8%) over what the preliminary plan proposed and is thus considered to be a revision to the preliminary plan. As long as the development proposed does not exceed 10% above the Council approved preliminary it can be considered a revision.

Approximately 188 parking spaces are required for the total development as proposed. There are 58 existing spaces, with 142 proposed new spaces, with a total of 200 parking spaces. An area has also been set aside, which will provide an additional 66 spaces when needed.

TRAFFIC PUBLIC WORKS RECOMMENDATION - Submit tour bus truck turning template to show adequate turning movement in accordance with TIS recommendation at construction phase.

- Applicant has submitted this information to Metro Public Works.

WATER SERVICES STORMWATER RECOMMENDATION

1. Need Maintenance Agreement (for pond and water quality unit) and Dedication of Easement (if applicable).
2. Need size, location, and capacity of the next two downstream structures receiving runoff from the site.
3. May need a sediment trap.
4. Show the location of the construction exit?

5. Provide drainage maps for the stormwater system.
6. Need details for all erosion control measures. Use our details (Outlet Protection, Inlet Protection, Etc.) Add rip rap detail and size accordingly (TCP 25 / PTP 07).
7. Need an accepted stormwater quality unit. Provide flow calculations (3-month).

CONDITIONS

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. 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. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. RS2005-122

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-033G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Need Maintenance Agreement (for pond and water quality unit) and Dedication of Easement (if applicable).
2. Need size, location, and capacity of the next two downstream structures receiving runoff from the site.
3. May need a sediment trap.
4. Show the location of the construction exit?
5. Provide drainage maps for the stormwater system.
6. Need details for all erosion control measures. Use our details (Outlet Protection, Inlet Protection, Etc.) Add rip rap detail and size accordingly (TCP 25 / PTP 07).
7. Need an accepted stormwater quality unit. Provide flow calculations (3-month).
8. 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.

9. 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.
10. 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.
11. 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.
12. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

XII. OTHER BUSINESS

18. Executive Director Reports
19. Legislative Update

XIV. ADJOURNMENT

Meeting adjourned at 6:03 pm.



Chairman

Secretary