



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission**

*July 28, 2005*

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*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  
Ann Nielson  
Victor Tyler  
James McLean  
Councilmember J.B. Loring  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Director  
Margaret Holleman, Legal Counsel  
David Kleinfelter, Planning Manager II  
Trish Brooks, Administrative Assistant  
Kathryn Fuller, Planner III  
Adriane Harris, Planner II  
Luis Pereira, Planner I  
Jason Swaggart, Planner I  
Nekya Young, Planning Tech I  
Jennifer Carlat, Communications  
Bob Eadler, Planner III  
Karen Hilton, Planning Manager II  
Lee Jones, Planner II  
Keith Covington, Planning Manager II  
Keith Lindblom, Intern  
Anita McCaig, Planner II

**Commission Members Absent:**

James Lawson, Chairman

**I. CALL TO ORDER**

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

**II. ADOPTION OF AGENDA**

Ms. Hammond announced there were two corrections to the agenda. Item #18 2005S-212G-14, C.U.D. I Subdivision, Map – 86 should include Parcels 17, 10, 42, 43, 44, 45, 46 and Item #20 2004P-009G-14 Bridgewater, Phase 2, the description should read: A request for final approval for a phase of a Residential Planned Unit Development located on the west side of Earhart Road and the north side of John Hager Road, classified R15, (43.20 acres), to develop 106 detached single-family lots and 17 duplex lots, requested by Lose and Associates, applicant, for Bridgewater, LLC, owner(s).

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to adopt the agenda as presented. **(7-0)**

**III. APPROVAL OF JUNE 23, 2005 AND JULY 14, 2005 MINUTES**

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously to approve the minutes of June 23, 2005 and the minutes of July 14, 2005. **(7-0)**

11/30/2005 9:38:53 AM

#### **IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Greer announced he would reserve his comments regarding the Community Plan Updates until after they were presented to the Commission.

Councilmember Shulman spoke regarding the Community Plan Updates. He explained that during a community meeting some of his constituents had issues regarding the increased density included in the proposed updates. On Item #7 2005Z-104U-10, he stated he would continue working with the area residents as the zone change request moved through Council. He spoke in favor of Item #8 2005Z-108U-10 and Item #9 2005Z-109U-10. On Item #12 2005Z-112U-10, he explained that some of the residents affected by this rezoning were opposed, while others were in favor. He mentioned he would continue to work with the residents as this rezoning works its way through Council. On Item #16 -- 2005S-205U-10, he explained that this rezoning falls in the area where the residents have asked that a plan be developed.

Ms. Cummings arrived at 4:13 p.m.

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

2. 2005S-185U-05 Cumberland Meadows, Phase 1 Revision - Request for final plat approval with a variance request for sidewalk requirement along three lots located on the east margin of Eastland Avenue -- deferred indefinitely at the request of the applicant
5. 2005Z-059G-12 Change from AR2a to RS15 district property located at Pettus Road (unnumbered), Preston Road (unnumbered), Preston Road (unnumbered), and 5814 Pettus Road deferred to August 11, 2005 at the request of the applicant.
6. 2005P-018G-12 Preston Estates- Request for preliminary approval of a Planned Unit Development district located at Pettus Road (unnumbered), Preston Road (unnumbered), Preston Road (unnumbered), and 5814 Pettus Road -- deferred to August 11, 2005 at the request of the applicant.
10. 2005Z-110U-13 A request to change from R10 to MUN district property located at 2643 Smith Springs Road (0.21 acres) -- deferred indefinitely 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 AND ITEMS ON PUBLIC HEARING**

1. 2005Z-103G-06 Request to change from AR2a to RS20 district property located at 8779 McCrory Lane and McCrory Lane  
  
**Staff recommends Approval of RS20 zoning on parcel 219, approval with a condition of RS20 zoning on the portion of parcel 224 that has RLM policy, and approval with a condition of RS80 zoning on the portion of parcel 224 that has Natural Conservation policy. The condition of approval is that a survey of the exact boundary between the requested zoning districts be provided before the Council Public Hearing. The survey must be generally consistent with the sketch showing the proposed boundary between the zoning districts that the applicant has provided to staff.**
3. 2005S-193G-10 High Ridge Subdivision, Phase 2, Critical Lot 17 - - Approve with conditions  
Critical lot approval with a variance request for driveway slope of 16%, on one lot located at the eastern terminus of Camelot Road, approximately 2,500 feet east of Granny White Pike.

**ZONING MAP AMENDMENTS**

- 8. 2005Z-108U-10 Change from R20 to RS20 district property located at 4031, 4036, 4043, 4101, 4102, 4105, 4106, and 4108 Lealand Lane - Approve
- 9. 2005Z-109U-10 Change from R20 to RS20 district zoning at 900, 902, 906, 908, 916 and 1002 Tower Place. - Approve

**PRELIMINARY SUBDIVISION PLATS**

- 14. 2005S-211G-14 Hermitage Hills- Request for preliminary plat approval to create one lot located at the southern terminus of Bonnalawn Drive - Disapprove

**FINAL PLATS**

- 15. 2005S-201A-10 Tyne Meade, Section 4Q, Lot 3 - Request to amend the side setback line from 37.5 feet to 25 feet on one lot located at the northwest corner of Wayland Drive and Beacon Drive - Approve

**PLANNED UNIT DEVELOPMENTS**

- 20. 2004P-009G-14 Bridgewater, Phase 2 - Request for final approval for a phase of a Residential Planned Unit Development to develop 106 single-family lots located on the west side of Earhart Road and the north side of John Hager Road - Approve with conditions
- 21. 2004P-036U-07 Nashville West Shopping Center - Request for revision to preliminary and final approval for a Planned Unit Development to permit the development of 504,169 square feet of retail, restaurant, and office, located at along the north side of Charlotte Pike and the south margin of I-40 - Approve with conditions

**OTHER BUSINESS**

- 23. Amended contracts for Adetokunbo Omishakin and Patricia Brooks - Approve
- 24. Nashville Metropolitan Planning Organization (MPO) FY-2005 contract obligating FHWA PL funds, amendment 1 - Approve

Mr. Tyler arrived at 4:25

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to approve the Consent Agenda as presented. (9-0)

**VII. PUBLIC HEARING : GREEN HILLS-MIDTOWN COMMUNITY PLAN: 2005 UPDATE AND THE EDGEHILL, ELLISTION PLACE, WEST END PARK AND CENTENNIAL DETAIL NEIGHBORHOOD DESIGN PLAN**

**Staff Recommendation** - *Adopt all four plans as proposed*

**PUBLIC PARTICIPATION** - Staff conducted a combined total of 20 meetings in the community between October 2004 and April 2005 for these four plans. Attendance ranged from as few as a dozen at some neighborhood meetings to well over 100 at some of the community-wide meetings. Staff estimates that overall, more than 700 different individuals attended and participated in at least one of those meetings.

**HIGHLIGHTS - *Green Hills-Midtown Community Plan: 2005 Update***

Substantively, the land use and intensity differences between the proposed plan and the 1994 plan it will replace are very limited. The vast majority of established residential areas and those committed to residential uses in the 1994 plan are envisioned to remain residential. Nonresidential areas in the 1994 plan are envisioned to either remain as such or evolve to a greater mixture of uses in the proposed plan. Much of the difference between the two plans is a change in appearance that results from two main format changes. The first is that major individual institutional uses (ie.

Vanderbilt) and clusters of such uses (ie. the Baptist/Mid-state/Centennial medical district) are specifically recognized in the proposed plan, but were not in the 1994 plan. The second is that the newer structure plan policies used in conjunction with detailed design planning are applied to the neighborhoods identified for design plans. The highlights of the proposed plan are as follows:

- A major focus and goal of the plan is preservation and protection of the vast majority of the community's established residential areas.
- To meet demand for residential growth, opportunities for intensification and redevelopment are provided in a few locations mainly near the Green Hills activity center. Special policies apply to the areas envisioned for intensification. Those policies call for redevelopment based on consolidated plans that provide pedestrian-oriented areas that are sensitively designed for compatibility with the established surrounding development.
- Economic development is envisioned mainly through the intensification of already established areas of nonresidential development, such as the Green Hills activity center, the university districts, Music Row, Midtown and the Harding/White Bridge Road town center.
- Revitalization of neighborhood centers is encouraged, such as the 12South district, 12<sup>th</sup> and Edgehill, and the 8<sup>th</sup> Ave. S. corridor in and north of Melrose.
- For enhanced multi-modal travel, traffic relief and greater pedestrian friendliness, selective major street widening and intersection projects, transit, bikeways, more sidewalks, greenways, and traffic management/calming projects are recommended throughout the community.
- The plan promotes more active lifestyles to improve the general health of the community's residents. More mixed use development, more compact residential development, additional parks and pedestrian-oriented transportation system improvements are all aimed at fostering more active living.
- The plan identifies 18 urban neighborhoods with mixed use centers for which detailed design planning is intended. Most of these neighborhoods are north of I-440. Plans for four clusters of those neighborhoods (discussed below) were prepared, and are being considered for adoption, along with this community plan.

#### ***Edgehill Detailed Neighborhood Design Plan [DNDP]***

The highlights of this DNDP are:

- preserving established residential development and enhancing the neighborhood's overall safety, walkability and pedestrian friendliness
- revitalizing neighborhood centers, ie along 12<sup>th</sup> Ave. S. at South Street, Edgehill Ave. and Wedgewood Ave.
- revamping 12<sup>th</sup> Avenue S. as a boulevard and enhancing Edgehill Ave. as a cultural corridor
- continuing the mixed income character of the neighborhood and conserving, maintaining and hopefully increasing the amount of affordable housing
- gradually returning the industrial area north of South St. back to a combination of mixed use and residential
- maintaining the longstanding established boundaries between Music Row and the abutting residential area east of 16<sup>th</sup> Ave. S., along and south of South St., and east of Tony Rose Park along Hawkins and Sigler Sts.
- preserving historic features and returning non-historic nonconforming uses to residential

#### ***Elliston Place Detailed Neighborhood Design Plan***

The highlights of this DNDP are:

- celebrating Elliston Place as the focus of this neighborhood by extending the lively mixed-use character of the existing older retail buildings from 21<sup>st</sup> Ave. N. to Louise Ave. to all of the corridor, and by providing a consistent streetscape along the entire street that fits with its adjacent context
- providing a pedestrian plaza and gathering place in the triangle bounded by 22<sup>nd</sup> Ave. N., the old Church St. and the realigned Church Street that continues as Elliston Place to create an eastern gateway and improve confusing traffic patterns in the vicinity
- preserving of the ability to construct high-intensity mixed use buildings with an emphasis on retail along West End Avenue and maintaining an intense mix of uses with an emphasis on office and residential at the northern edge of the neighborhood
- preserving and continuing the transformation of Louise St. from Elliston Pl. to State Street into a small-scale mixed-use destination.
- creating a safe and inviting neighborhood that encourages users to park once and walk between uses
- providing choices for travel by making transit viable, and accommodating bicycles in addition to safe pedestrian facilities for a complete multi-modal network

### ***West End Park & Centennial Detailed Neighborhood Design Plans***

The highlights of these DNDPs are:

- fostering the transformation of West End Avenue between 25<sup>th</sup> and 31<sup>st</sup> Avenues N., and along 27<sup>th</sup> Ave. N. facing Centennial Park, from mostly single story, single use development to moderate intensity multistory mixed use buildings emphasizing retail on the ground floor, with upper level offices and/or residential
- encouraging adequate parking and regulation of spaces that caters to and supports retail businesses along and just off West End Avenue
- encouraging moderate to high intensity mixed use with an emphasis on office and residential to the north and south of the West End corridor east of 31<sup>st</sup> Ave. N.
- preserving the ability to construct moderate to high-intensity buildings emphasizing offices with some residential along West End Avenue west of 31<sup>st</sup> Ave. N., and preserving the open space between West End Avenue and Park Drive.
- enhancing overall pedestrian friendliness, with an emphasis on the cross-walks along West End Avenue and 31<sup>st</sup>. Ave. N., and on consolidation of access generally to minimize vehicle/pedestrian conflicts.
- maintaining the viability of transit and encouraging enhanced mid-day service along West End Avenue within these neighborhoods and between them and midtown

Mr. Eadler presented and stated that staff is recommending approval of the adoption of all four plans as proposed.

Mr. Russell Parham, Jr. 1769 Hillmont Drive, spoke in opposition to the proposed community plan update.

Ms. Gloria Minter, 1913 Chomwell Drive, spoke in opposition to the density included in the proposed community plan update.

Councilmember Greer spoke of the proposed changes for the Edgehill community included in the plan updates. He stated that the updates would further reduce the affordable housing for this specific area and requested additional review before its adoption.

Mr. Dan Gochberg, 916 Villa Place, expressed issues with the community plan updates. He presented petitions to the Commission for the record.

Mr. James C. Turner, Sr., 907 15<sup>th</sup> Avenue South, expressed issues with the community plan updates.

Ms. Mamie Williams, 1026 Villa Place, spoke in favor of the community plan update.

Ms. Heidi Welch, a Wallace Lane resident, expressed issues with the density of the proposed community plan update.

Mr. Bill Barnes, 1023 Battlefield, spoke in support of the community plan update.

Mr. Kermit Jeffries, 1001 15<sup>th</sup> Avenue South, expressed issues with the community plan update.

Mr. Eric Johnson, 1400 Villa Place spoke in support of the proposed community plan update.

Mr. Silas Newsom, 1500 Grand Avenue, spoke in opposition to the proposed community plan update.

Ms. Millie Carter-Hall expressed issues with the proposed community plan update and requested that affordable homes be included in the proposed plans.

Councilmember Hausser spoke in favor of the community plan updates. She stated that the plan includes many favorable recommendations which address pedestrian issues, traffic calming issues as well as additional green space designations. She suggested that the plan include additional recommendations that would encourage mass transit as well as public and private partnerships. She suggested that this area have an overlay to institute its significance to the downtown area.

Ms. Cummings expressed an issue with the size of the area that the community plan updates will affect.

Mr. Clifton requested additional clarification on how the Music Row and Edgehill interfacing will work within the plan.

Mr. Clifton requested additional clarification regarding the Hillmont area in relation to its density as presented in the proposed community plans.

Mr. Clifton stated that the update does not include any rezoning but would provide the necessary planning tools for any future development in this area.

Mr. Ponder commended Mr. Eadler and the staff for their work on the plan. He requested clarification on when and where community meetings were held with respect to the various neighborhoods affected by the update. He further requested additional information on whether community input was incorporated into the final plans of the updates.

Mr. McLean expressed an issue with the large area encompassed by the updates. He acknowledged several of the issues that the plan addressed such as pedestrian uses, traffic calming, etc.

Ms. Cummings questioned the special policies included in the community plan updates in relation to affordable housing mentioned for the Edgehill area.

Ms. Nielson requested additional clarification regarding the special policies and how they incorporate community input in the development stages.

Ms. Jones spoke in favor of the community plan updates and moved to approve them.

Mr. Loring spoke in favor of the community plan updates. He mentioned the many safeguards included in the plan that will address the issues mentioned by the constituents.

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously to approve the Green Hills-Midtown Community Plan: 2005 Update, the Edgehill, Elliston Place, West End Park and Centennial Detail Neighborhood Design Plans. **(9-0)**

**Resolution No. RS2005-260**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Green Hills-Midtown Community Plan: 2005 Update and the Edgehill, Elliston Place, West End Park, and Centennial Neighborhood Design Plan are **APPROVED. (9-0)**”

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

- 1. 2005Z-103G-06**  
Map 155, Parcel 219, 224  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to change from AR2a to RS20 district property located at 8779 McCrory Lane and McCrory Lane (unnumbered) (58.38 acres), requested by John P. & Jane B. Chaffin, and A.W. & Edna Chaffin, owners.

**Staff Recommendation** - *Approve RS20 on parcel 219, but Disapprove RS20 on parcel 224. Portions of parcel 224 have slopes that are also appropriate for RS20 (the portions with RLM policy), and staff could recommend approval of RS20 on these portions with the requirement that the applicant first submit a survey to show the portion to which RS20 would apply.*

**APPLICANT REQUEST** - Request to change 58.38 acres from agricultural and residential (AR2a) to residential single-family (RS20) district property located at 8779 McCrory Lane and McCrory Lane (unnumbered), approximately 520 feet north of Indian Hills Drive.

**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. The existing zoning would permit 29 lots.

**Proposed 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. The proposed zoning would permit 108 lots.

**BELLEVUE COMMUNITY PLAN POLICY**

**Residential Low Medium (RLM)** - 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.

**Natural Conservation (NC)** - 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** - The proposed RS20 district is consistent with the RLM policy on parcel 219, as well as the RS20 zoning along McCrory to the southeast. On the north side of McCrory Lane is the Indian Hills Planned Unit Development, which is also zoned RS20.

RS20 zoning is also consistent with the RLM policy that exists on a portion of parcel 224, but RS20 is not consistent with the Natural Conservation policy that covers the remainder of parcel 224. Natural Conservation policy was implemented to protect the steep slopes in this area. Staff could recommend approval of RS20 zoning on the portion of parcel 224 that has RLM policy. A survey must be submitted by the applicant, however, to divide off the portion of the property for which RS20 zoning would be appropriate.

*Slopes* - On parcel 219, the slopes are generally negligible, and mainly under 10 percent. Conversely, on parcel 224, there are some particularly severe slopes, many greater than 25 percent. The portion of parcel 224 that has lesser slopes (under 20 percent) generally corresponds to the area that has a Residential Low Medium land use policy.

**RECENT REZONINGS** - None.

**TRAFFIC PUBLIC WORKS' RECOMMENDATION** - No Exception Taken.

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210)	59.48	0.5	30	344	31	37

**Typical Uses in Proposed Zoning District: RS20**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	59.48	1.85	110	1130	87	118

**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
--				786	56	81

**METRO SCHOOL BOARD REPORT**

**Projected student generation    13Elementary   9 Middle        8 High**

**Schools Over/Under Capacity** - Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. The elementary and middle schools have been identified as having capacity by the Metro School Board, but Hillwood High School has been identified as being full (but not overcrowded). The adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn have capacity. This information is based upon data from the school board last updated Feb. 3, 2005.

Staff recommends Approval of RS20 zoning on parcel 219, approval with a condition of RS20 zoning on the portion of parcel 224 that has RLM policy, and approval with a condition of RS80 zoning on the portion of parcel 224 that has Natural Conservation policy. The condition of approval is that a survey of the exact boundary between the requested zoning districts be provided before the Council Public Hearing. The survey must be generally consistent with the sketch showing the proposed boundary between the zoning districts that the applicant has provided to staff. **(9-0) Consent Agenda**

**Resolution No. RS2005-261**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-103G-06 is **APPROVED RS20 ZONING ON PARCEL 219, APPROVED WITH CONDITION OF RS20 ZONING ON THE PORTION OF PARCEL 224 THAT HAS RLM POLICY, AND APPROVAL WITH A CONDITION OF RS80 ZONING ON THE PORTION OF PARCEL 224 THAT HAS NATURAL CONSERVATION POLICY. (9-0)** The condition of approval is that a survey of the exact boundary between the requested zoning districts be provided before the Council Public Hearing. The survey must be generally consistent with the sketch showing the proposed boundary between the zoning districts that the applicant has provided to staff.

**The proposed RS20 district is consistent with the Bellevue Community Plan’s Residential Low Medium (RLM) land use policy on parcel 219, as well as the RLM policy on a flatter portion of parcel 224; this policy is intended for mainly single family homes, from two to four dwelling units per acre. The RS20 is not consistent with the portion of parcel 224 that has a Natural Conservation policy, largely to protect slopes in excess of 25 percent. The applicant did revise the application prior to the Commission meeting to request RS80 instead of RS20 on the portions of parcel 224 with very steep slopes. The Commission approved this modified request with the condition that a survey of the exact boundary between the requested zoning districts be provided before the Council Public Hearing; this survey must be generally consistent with the sketch that the applicant provided to staff.”**

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**FINAL PLATS**

- 2.        2005S-185U-05**  
Cumberland Meadows, Phase 1, Revision  
Map 084-05, Parcel 072-074  
Subarea 5 (1994)  
District 7 - Erik Cole

A request for final plat approval with a variance request for sidewalk requirement along three lots located on the east margin of Eastland Avenue, approximately 435 feet south of Tiffany Drive (0.95 acres), classified within the R10 District, requested by B.I.G. Development, owner/developer, Dale & Associates, surveyor.

**The Metropolitan Planning Commission DEFERRED Final Plat 2005S-185U-05 indefinitely at the request of the applicant. (9-0)**

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3. **2005S-193G-10**  
High Ridge, Phase 2, Critical Lot #17  
Map 159-03, Parcel 029  
Subarea 10 (1994)  
District 34 - Lynn Williams

A request for critical lot approval with a variance request for driveway slope of 16%, on one lot located at the eastern terminus of Camelot Road, approximately 2,500 feet east of Granny White Pike (2.38 acres), classified within the R40 District, requested by Telfer Investments, owner, Alley & Associates, surveyor.

**Staff Recommendation** - Disapprove sidewalk variance and disapprove applicant's request to construct off-site sidewalk.

**APPLICANT REQUEST - Final Plat**

Request for final plat approval with a variance request for a sidewalk required along three lots located on the east side of Eastland Avenue, approximately 435 feet south of Tiffany Drive (0.95 acres).

**SIDEWALK VARIANCE** - The applicant has requested a sidewalk variance for the frontage of three previously recorded lots located on Eastland Avenue. Since the applicant has begun the project they have found the sidewalk difficult to construct, but there is no unique condition on this property causing a hardship as is required for approval of a sidewalk variance. The applicant has requested to construct a comparable sidewalk section on the opposite side of Eastland Avenue in exchange for the granting of a variance for the three subject lots.

Applicant Request - The applicant has stated the existing topography along Eastland Avenue is a hardship because there is a four to six foot drop from the edge of the pavement to where the back of the sidewalk would be located. The applicant also notes excessive fill material would be required to place the sidewalk and would have to be brought in from elsewhere. The applicant contends that the road was not designed for a sidewalk so the slopes that would be created from sidewalk construction are unnatural and drainage from the road would not be easily managed. Two large trees would be removed because of the sidewalk construction.

Sidewalk Constructability - The physical terrain of the subject property is sloping from the western property boundary to the east / northeast. An existing 24-inch diameter tree is located approximately 13.5 feet from edge of pavement at Lot 1. A tree line is located along the approximate northern boundary line of Lot 3, adjacent to Parcel 71. Water meter and box may need to be relocated with sidewalk construction. Fill slope will be required for sidewalk construction. If the existing 24-inch diameter tree remains, approximately 3 feet of fill would be required at tree base. Sidewalk connectivity may be difficult for adjacent parcel to the north (Parcel 71) due to existing ground slope from roadway.

**Staff Recommendation** - The applicant has requested to build an off-site sidewalk on the opposite side of Eastland Avenue instead of the sidewalk construction along the frontage of their property. No Metro sidewalk projects are planned on this section of Eastland Avenue and building a sidewalk on the opposite side would create an "island" sidewalk in front of an unrelated property. Staff recommends disapproval of the variance request and would remind the Commission that the applicant has the option to make a contribution to the Metro sidewalk fund in lieu of constructing the sidewalk.

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

**Resolution No. RS2005-262**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-193G-10 is **APPROVED WITH CONDITIONS (9-0)**

**Conditions of Approval:**

1. The site should be excavated down to the shale layer for the installation of the retaining wall.
2. The backfill material should be a type #57 or #67 stone material."

## MANDATORY REFERRALS

### 4. 2005M-109U-08

Map 81-6, Parcels 281, 283, 285, 286, 287, 288  
District 2 - Jamie Isabel

A request to abandon a portion of the right of way and easements on Alley #1609, from 24th Avenue North Northwest to the dead end, requested by Raggedy, Inc, applicant.

**Staff Recommendation** - *Disapprove until access is assured for adjacent property owners.*

**APPLICANT REQUEST** - Request to abandon a portion of the right of way and easements on Alley #1609, from 24th Avenue North, northwest to the dead end.

The applicant states that the reason for the request is to provide commercial development of parcels 283, 285, and 286 by closing the dead end alley.

**DEPARTMENT AND AGENCY COMMENTS** - The Department of Public Works, Emergency Communications, Metro Water Services, and the Nashville Electric Service have all recommended approval of this request.

### RECOMMENDATION

Staff recommends disapproval of this alley closure for the following reasons:

1. Abandonment of Alley #1609 would eliminate access to 24<sup>th</sup> Avenue North for all property owners who enter and exit their property through the alley. The residents for parcels 287 and 288 currently use the alley for access to those parcels. Abandoning the alley would require limit access to parcels 287 and 288 to Clarksville Pike, a busy state highway.

The property owner for parcel 287 originally signed the application requesting the alley abandonment. She has since contacted the Planning Department and indicated she no longer supports closing the alley.

2. If there is future development along Clarksville Pike in this location, abandonment of this alley would remove an alternate access point from the rear of the property and cause all access to be from Clarksville Pike. Clarksville Pike is classified as an urban arterial at this location, which is intended to have fewer curb cuts for traffic flow and safety.

The applicant has indicated that they are willing to grant the property owners along Clarksville Pike an access easement as part of the development of their property. Such an easement could provide adequate access for parcels 287 and 288, but at this time there is no way to ensure that the private access is provided.

When the applicant either rezones or subdivides their property, a condition could be placed on the rezoning or subdivision that would ensure future access for parcels 287 and 288. Until such future access is made available, staff cannot recommend abandonment of Alley #1609.

Mr. Kleinfelter presented and stated that staff is currently recommending approval subject to the following condition: Approve, with the condition that the Council bill include a condition that the abandonment of the alley will not be effective until an access easement is platted and constructed to provide Parcels 287 and 288 on Map 081-06 with access to 24th Ave., North. The applicant shall contact planning staff when the easement has been constructed, at which time Public Works will be informed that the abandonment can be made effective.

Mr. Andy Neuman, 1100 Kermit Drive, spoke in support of the proposal.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to approve staff's recommendation for mandatory referral of 2005M-109U-08. **(9-0)**

**Resolution No. RS2005-263**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-109U-08 is **APPROVED. (9-0)**”

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

5.       **2005Z-059G-12**  
          Map 174, Parcel 13, 126, 127, and part of 220  
          Subarea 12 (2004)  
          District 32 - Sam Coleman

A request change from AR2a to RS15 district property located at Pettus Road (unnumbered), Preston Road (unnumbered), Preston Road (unnumbered), and 5814 Pettus Road (26.34 acres), requested by Charlie B. Paul of C. Paul & Sons, Development Co., Inc., applicant for Glenda and Joseph Wiggins, Gene Tucker et ux, and Neal Hufford, owners.

**The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-059G-12 to August 11, 2005 at the request of the applicant. (9-0)**

6.       **2005P-018G-12**  
          Preston Estates PUD  
          Map 174, Parcels 13, 126, 127, P/O 220  
          Subarea 12 (2004)  
          District 32 - Sam Coleman

A request for preliminary approval for a Planned Unit Development district located at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered), (26.34 acres), classified AR2a and proposed for RS15, to permit 39 residential lots, requested by Ingram Civil Engineering, engineer, Charlie Paul, applicant for Glenda and Joseph Wiggins, Gene Tucker et ux, and Neal Hufford, owners.

**The Metropolitan Planning Commission DEFERRED Planned Unit Development to August 11, 2005 at the request of the applicant. (9-0)**

7.       **2005Z-104U-10**  
          Map 117-11, Parcel 061  
          Subarea 10 (1994)  
          District 25 - Jim Shulman

A request to change from R40 to RS20 district property located at 1809 Graybar Lane (1.02 acres), located at the southeast corner of Graybar Lane and Benham Avenue, requested by Jian Huang, owner.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 1.02 acres from residential single and duplex (R40) to residential single-family (RS20) district property located at 1809 Graybar Lane, at the southeast corner of Graybar Lane and Benham Avenue.

**Existing Zoning**

**R40 district**     R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. The existing zoning permits 1 home.

**Proposed 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. The proposed zoning would permit 2 homes.

**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 predominate development type is single-family homes.

**Policy Conflict - No.** The proposed RS20 district is consistent with the RL policy intended for residential development at a density of 1 to 2 units per acre. It is also consistent with the pattern of development along Benham Avenue. This lot is a corner lot and near a Regional Activity Center policy in which smaller lots are typically more appropriate than the larger lots. The RS20 district allows for a transition between the multi-family development to the west and the larger lots west of the intersection along Graybar Lane.

The proposed RS20 district is also consistent with the Green Hills-Midtown Community Plan update, which continues the RL policy in this area.

**RECENT REZONINGS -** None.

**METRO PUBLIC WORKS' RECOMMENDATION TRAFFIC -** No Exception Taken.

**Typical Uses in Existing Zoning District: R40**

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210)	1.02	0.93	1	10	1	2

**Typical Uses in Proposed Zoning District: RS20**

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.02	1.85	2	20	2	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
--			+1	10	1	1

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity -** Students would attend Percy PriestElementary School, Moore Middle School, or Hillsboro High School. None of these schools have 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.

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

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve zone change 2005Z-104U-10. (9-0)

**Resolution No. RS2005-264**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-104U-10 is **APPROVED. (9-0)**

**The proposed RS20 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low (RL) land use policy on the site, which is intended to conserve large areas of established, low density residential development. The proposed RS20 district is also consistent with the existing development pattern along Benham Avenue. Finally, this corner lot is located near a Regional Activity Center policy, in which the smaller lots allowed by RS20 are typically more appropriate than larger lots (the existing R40). The RS20 district can act as a transition between the multi-family development to the west and the larger lots east of the Graybar Lane/Benham Avenue intersection.”**

**8. 2005Z-108U-10**

Map 132-01, Parcels 024, 025, 028, 029, 042, 167, 168, 169  
Subarea 10 (1994)  
District 25 - Jim Shulman

A request to change from R20 to RS20 district property located at 4031, 4036, 4043, 4101, 4102, 4105, 4106, and 4108 Lealand Lane (6.19 acres), requested by Councilmember Jim Shulman for various property owners.

**Staff Recommendation - *Approve***

**APPLICANT REQUEST(S)** - Request to rezone property from residential single-family and duplex (R20) to residential single-family (RS20) district located at 4031, 4036, 4101, 4102, 4105, 4106, 4108 Lealand Lane, and 900, 902, 906, 908, 916, 1002 Tower Place.

**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.

**Proposed 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.

**SUBAREA 10 PLAN POLICY**

Residential-Low Density - 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** - No. The RS20 zoning district is consistent with the RL policy of one to two dwelling units per acre. This area is located within area 3C of the current Subarea 10 Plan. “An important goal of [the Subarea 10] plan is that infill development and resubdivisions should be compatible with the density and character of existing development.” (Page 49) The Plan states that in some areas of Green Hills, infill developments “have not matched the existing character of established neighborhoods. . . . The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas.” (Page 49)

The Green Hills Community Plan Update is also on the July 28 Commission agenda. If that plan is adopted, then the policy for this area will be changed to RLM. This rezoning request arguably would not be supported by RLM policy, which calls for 2-4 homes per acre. Staff recommends, however, that this application be considered under the RL land use policy in effect when the application was filed.

**RECENT REZONINGS** - None in the immediate area.

**TRAFFIC** - No Exceptions Taken

**METRO SCHOOL BOARD REPORT**

**Projected student generation** -This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.

Approved, (9-0) *Consent Agenda*

*[Note: Item #8 and #9 were discussed by The Metropolitan Planning Commission together. See Item #9 for actions and resolutions.]*

- 9. 2005Z-109U-10**  
 Map 132-05, Parcel 005, 023, 024, 025, 026, and 030  
 Subarea 10 (1994)  
 District 25 - Jim Shulman

A request to change from R20 to RS20 district property located at 900, 902, 906, 908, 916 and 1002 Tower Place (3.03 acres), requested by Councilmember Jim Shulman for various property owners.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST(S)** - Request to rezone property from residential single-family and duplex (R20) to residential single-family (RS20) district located at 4031, 4036, 4101, 4102, 4105, 4106, 4108 Lealand Lane, and 900, 902, 906, 908, 916, 1002 Tower Place.

**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.

**Proposed 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.

**SUBAREA 10 PLAN POLICY**

Residential-Low Density - 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** - No. The RS20 zoning district is consistent with the RL policy of one to two dwelling units per acre. This area is located within area 3C of the current Subarea 10 Plan. “An important goal of [the Subarea 10] plan is that infill development and resubdivisions should be compatible with the density and character of existing development.” (Page 49) The Plan states that in some areas of Green Hills, infill developments “have not matched the existing character of established neighborhoods. . . . The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas.” (Page 49)

The Green Hills Community Plan Update is also on the July 28 Commission agenda. If that plan is adopted, then the policy for this area will be changed to RLM. This rezoning request arguably would not be supported by RLM policy, which calls for 2-4 homes per acre. Staff recommends, however, that this application be considered under the RL land use policy in effect when the application was filed.

**RECENT REZONINGS** - None in the immediate area.

**TRAFFIC** - No Exceptions Taken

**METRO SCHOOL BOARD REPORT**

**Projected student generation** -This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2005-265**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-108U-10 is **APPROVED (9-0)**.

**The proposed RS20 district is consistent with Green Hills/Midtown Community Plan’s Residential Low (RL) land use policy on the site, which is intended for one to two homes per acre. This rezoning of various properties is also appropriate as it is located within a sub-section area of the Green Hills/Midtown Plan which has the stated goal that infill development and resubdivisions should be *compatible* with the density and character of existing development. The Commission did recognize that some such previous developments in this area have *not* matched the existing character of already-established neighborhoods, and approved the request.”**

**Resolution No. RS2005-266**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-109U-10 is **APPROVED. (9-0)**.

**The proposed RS20 district is consistent with Green Hills/Midtown Community Plan’s Residential Low (RL) land use policy on the site, which is intended for one to two homes per acre. This rezoning of various properties is also appropriate as it is located within a sub-section area of the Green Hills/Midtown Plan which has the stated goal that infill development and resubdivisions should be *compatible* with the density and character of existing development. The Commission did recognize that some such previous developments in this area have *not* matched the existing character of already-established neighborhoods, and approved the request.”**

- 10. 2005Z-110U-13**  
Map136, Parcel 046  
Subarea 13 (2003)  
District 29 - Vivian Wilhoite

A request to change from R10 to MUN district property located at 2643 Smith Springs Road (0.21 acres), requested by Jerry Ward, owner.

**The Metropolitan Planning Commission DEFERRED Zone Change indefinitely the request of the applicant. (9-0)**

- 11. 2005Z-111G-13**  
Map 175, Parcel 077  
Subarea 13 (2003)  
District 32 - Sam Coleman

A request to change from AR2A to MUN district property located at 4162 Murfreesboro Pike (1.3 acres), requested by Edward Meadows, owner.

Mr. Pereira presented and stated that staff is recommending approval with the condition that the property shall be required, at development, to provide for cross access with the adjacent parcels.

Councilmember Coleman spoke in opposition to this zone change request due to the fact the developer has not held a neighborhood meeting to alert the community of his intentions and no written agreement has been provided. He stated he was not asking the Commission to disapprove or defer, but he was alerting them that the zone change will have difficulty moving forward at the Council level.

Mr. Loring acknowledged Councilmember Coleman’s concerns. He stated he would not be in favor of approving this request until the developer has worked with both the Councilmember and the community.

Ms. Jones acknowledged Councilmember Coleman’s advocacy for this district. She expressed uncertainty with regard to the written document that he requests from his developers.

Ms. Nielson mentioned that this is a zone change request and the Commission should decide if the land use is appropriate for the subarea plan.

Mr. McLean suggested deferring the zone change request.

Mr. McLean moved and Ms. Cummings seconded the motion, to defer zone change 2005Z-111G-13 to August 25, 2005.

Mr. Clifton acknowledged that the zone change request meets the general subarea plan for the area and would not support the deferral.

Ms. Cummings supported the deferral to allow the neighborhood to meet with the developer.

Mr. Tyler requested clarification regarding the adjacent properties and their land uses.

Mr. Small spoke in support of the proposal due to its consistency with the subarea plan.

Ms. Nielson requested further clarification on the actions the Commission could take and their affects on the process.

Mr. McLean moved and Ms. Cummings seconded the motion, to defer zone change 2005Z-111G-13 to August 25, 2005 to allow additional time for the developer to meet with the community. (5-4) No Votes – Nielson, Jones, Small, Clifton

**Resolution No. RS2005-267**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-111U-10 is **DEFERRED TO THE AUGUST 25, 2005 COMMISSION MEETING. (5-4)**”

- 12. 2005Z-112U-10**  
Map131-02, Parcel 156  
Subarea 10 (1994)  
District 25 - Jim Shulman

A request to change from R15 to RS7.5 district property located at 4211-A Farrar Avenue (.45 acres), requested by Adam Epstein, President of Castleman Partners, owner.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST** - Request to change 0.45 acres from R15 to RS7.5 district property, located at 4211 Farrar Avenue.

**Existing Zoning**

**R15 zoning:** R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

**RS7.5 zoning:** 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.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

**Residential Low Medium (RLM)** - 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** Yes. The development density of the proposed RS7.5 (4.94 homes/acre) is higher than the range permitted by the RLM policy (2-4 homes/acre). In addition, as this parcel falls within an area that is now solidly R15 zoning, the RS7.5 is particularly inappropriate.

**RECENT REZONINGS** - None.

**TRAFFIC PUBLIC WORKS' RECOMMENDATION** - No Exception Taken.

**Typical Uses in Existing Zoning District: R15**

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.45	2.47	1	10	1	2

**Typical Uses in Proposed Zoning District: RS7.5**

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached()	0.45	4.94	2	20	2	3

**Change in Traffic Between Typical Use in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+1	10	1	1

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity** - Students would attend Percy Priest Elementary School, Moore Middle School, or Hillsboro High School. All three schools have been identified as having capacity, as identified by the Metro School Board. 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.

Ms. Mary Ann Johnson, 4206 Farrar Avenue, spoke in opposition to the proposal.

Ms. Mary Margaret Deckbar, 4201 Hood Avenue, spoke in opposition to the proposal.

Mr. Paul Johnson, 4206 Farrar Avenue, spoke in opposition to the proposal

Ms. Dorris Charles, 2048 Castleman Drive, spoke in opposition to the proposal.

Ms. Patricia Fischer, 1928 Castleman, spoke in opposition to the proposal.

Mr. Adam Epstein, 3704 Hobbs Avenue spoke in support of the zone change. He submitted information to the Commission for the record.

Mr. Ponder stated he agreed with staff recommendation.

Mr. Clifton spoke in support of staff recommendation.

Mr. Tyler agreed with staff recommendation.

Mr. Clifton stated he was opposed to the requested zone change.

Ms. Jones commented on the uniqueness of the request in relation to the mass RS rezonings.

Mr. Loring agreed with staff.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove zone change 2005Z-112U-10. (9-0)

**Resolution No. RS2005-268**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-112U-10 is **DISAPPROVED. (9-0)**

**The proposed RS7.5 zoning is not consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy in this area, which is intended for a residential development pattern between two and four homes per acre. On a technical level, the development density of the proposed RS7.5 (4.94 homes/acre) is higher than the range permitted by the RLM policy (2-4 homes/acre). While the Commission did recognize the neighborhood tradeoff between having a potential duplex built onto the existing 15,000 square foot lot versus a potential subdivision allowing two single family homes with RS7.5 zoning, it ultimately frowned on this as a “spot zoning” request, given the solid R15 zoning pattern in the area.”**

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The Commission recessed at 6:10 p.m.

The Commission resumed at 6:25 p.m.

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**X. PRELIMINARY SUBDIVISION PLATS**

- 13. 2005S-162G-12**  
Old Hickory Hills, Ph 5  
Map 182, Parcel 207, 208, and part of 209  
Subarea 12 (2004)  
District 32 - Sam Coleman

A request for preliminary plat approval to create a 121 cluster-lot subdivision on the east terminus of Legacy Drive, approximately 3,000 feet north of Old Hickory Boulevard (34 acres), classified within the RS10 District, requested by Cane Ridge, LLC, owner/developer, Dale & Associates, surveyor.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Preliminary Plat**

Request to create 121 single-family lots on 34 acres on the east terminus of Legacy Drive, north of Old Hickory Boulevard.

**ZONING**

RS10 District - RS10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**CLUSTER LOT OPTION** - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 6,000 square feet to 13,000 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 7.24 acres (21.2%) of open space – which exceeds the minimum open space acreage required.

**SUBDIVISION DETAILS**

*Phasing* -The development of this subdivision is proposed for two phases. Phase 1 is proposed for 82 lots and Phase 2 is proposed for 39 lots.

*Access/Street Connectivity* - Access is proposed from Legacy Drive and Ramsey Drive which were platted with Phase Two, Section Three of this subdivision. Stub streets are proposed to the north and south, as well as to the east for future connection.

The proposed Legacy Ridge Court is shown with a 80' pavement width and should be shown with a 100' pavement width and median, as per Metro Fire Marshal's office standards. Also, Townsend Drive stub to the north should provide a temporary turnaround to comply with the Fire Marshal's standards.

*Sidewalks* - Sidewalks are proposed along all the new streets within the subdivision.

*Open Space* - Most of the open space provided is useable open space. The water quality devices in the useable open space shall not be enlarged, unless necessary for final plat approval.

**STORMWATER'S RECOMMENDATION** - Show the drain buffer where the 40-acre drainage area crosses Lawson Drive (adjacent to Phase 5).

**PUBLIC WORKS RECOMMENDATION**

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Show Townsend Drive per Metro ST-252: Residential - Medium Density Minor Local Street (50' ROW).
3. Show and dimension right of way radius and edge of pavement radius for all circular turnarounds. Show and dimension 50' turnaround pavement radius on Legacy Ridge Court, per Fire Marshall requirements.
4. Prior to construction plan approval, a Traffic Impact Study is required for this phase and must be approved by Public Works.

**CONDITIONS**

1. All traffic conditions listed above must be completed or bonded prior to final plat approval.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
3. Add area adjacent to the open space on the western property line in with the open space between lots 215 (of a previous phase of Old Hickory Hills) and lot 97 as a part of the open space.

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

Councilmember Coleman spoke in opposition to the proposal. He stated this area is already oversaturated and this development will only add to the problems of traffic congestion and overcrowded schools that currently exist in his community.

Mr. Roy Dale, developer, spoke in support of the proposal.

Mr. Tyler acknowledged Councilmember Coleman's concerns. He stated that this area needs special policies that will address the issues associated with density.

Ms. Cummings acknowledged that the proposal does meet the subdivision lot requirements, but also acknowledged the over-saturation of the area.

Mr. Clifton requested further clarification on the uses of cluster lot options and whether this specific proposal was considered to be an overuse of the option.

Mr. Bernhardt explained the basis for this cluster lot option. He also explained the Council's role in the act of rezoning in their districts.

Mr. Ponder stated that the subdivision meets the required criteria.

Mr. Small stated the issues of cluster lots will be discussed later in the meeting.

Mr. Loring motioned to defer this item for two meetings to allow additional time for the Councilmember to continue reviewing the proposal.

There was not a second and this motion failed.

Mr. Ponder moved and Ms. Cummings seconded the motion, to approve with conditions preliminary subdivision plat 2005S-162G-12. **(8-1) No Vote – Loring**

**Resolution No. RS2005-269**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-162G-12 is **APPROVED WITH CONDITIONS. (8-1)**

**Conditions of Approval:**

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Show Townsend Drive per Metro ST-252: Residential - Medium Density Minor Local Street (50' ROW).
3. Show and dimension right of way radius and edge of pavement radius for all circular turnarounds. Show and dimension 50' turnaround pavement radius on Legacy Ridge Court, per Fire Marshall requirements.
4. Prior to construction plan approval, a Traffic Impact Study is required for this phase and must be approved by Public Works.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
6. Add area adjacent to the open space on the western property line in with the open space between lots 215 (of a previous phase of Old Hickory Hills) and lot 97 as a part of the open space.”

- 14. 2005S-211G-14**  
Hermitage Hills  
Map 074-12, Parcel 173  
Subarea 14 (2004)  
District 14 - Harold White

A request for preliminary plat approval to create one lot located at the southern terminus of Bonnalawn Drive, approximately 400 feet south of Jacksonian Drive (0.85 acres), classified within the AR2a District, requested by Lydell and Sherry F. Mullins, owners, Michael Williams, surveyor.

**Staff Recommendation** - *Disapprove and disapprove a street frontage variance.*

**APPLICANT REQUEST - Preliminary Plat**

A request to create one lot on 0.85 acres located at the southern terminus of Bonnalawn Drive, approximately 400 feet south of Jacksonian Drive.

**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.

## **SUBDIVISION DETAILS**

*Zoning*-The proposed lot area does not meet the requirements for AR2a zoning. The AR2a district requires a 2 acre lot size and this lot is proposed for 0.764 acres (33,291 sq. ft.), which does not meet that lot size requirement. This lot would need to be rezoned prior to subdividing.

*Access/Frontage Variance* - Access is proposed from a driveway extending from Bonnalawn Drive of the Hermitage Hills Subdivision. A right-of-way dedication area is proposed that would allow for Bonnalawn Drive to be extended when the adjacent parcel is developed.

The applicant is requesting a variance for street frontage. Section 2-4.2A of the Subdivision Regulations state that "Each lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided."

Staff recommends disapproval of this variance since there is an undeveloped parcel adjacent to the proposed lot that could allow for street frontage in the future.

## **STORMWATER RECOMMENDATIONS**

1. The FEMA note number 2 is insufficient. Please reference the appropriate FEMA map number, such as 'Community Panel No. 470040-0234 F' and effective date.
2. The North Arrow is unaccompanied by reference bearings. Appropriate correction is required.
3. Add the new subdivision number to the plat.
4. Add a vicinity map to the plat.
5. Add the 78-840 note: "Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance no. 78-840 and approved by The Metropolitan Department of Water Services."
6. Add the preliminary note: "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application."
7. Topo lines are required on all preliminary plats. Appropriate correction is required.
8. In "Notes to the review board," note number 1, it should say "The purpose of this" instead of "The propose of this."

## **PUBLIC WORKS RECOMMENDATION - No Exception Taken.**

### **FIRE MARSHAL'S OFFICE RECOMMENDATION**

1. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. *Metro Ordinance 095-1541 Sec: 1568.020 B.*
2. Fire hydrants should flow at least 1,000 GPM's @ 40 psi.

**STAFF RECOMMENDATION** Staff recommends disapproval. This parcel should develop when the adjacent parcel (052) develops to make sure that all lot lines on the edge of the Hermitage Hills subdivision are radial and that the development pattern would be more consistent. Since there are several triangular parcels that are not buildable lots in this area, this may set a precedent that would not allow for a consistent development pattern once the adjacent parcel is developed. Furthermore, the lot area does not meet the requirements for AR2a zoning and would require a rezoning prior to subdividing to at least RS30 zoning district. Revised plans also have not been submitted for Metro Stormwater's approval.

Disapproved, (9-0) *Consent Agenda*

**Resolution No. RS2005-270**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-211G-14 is **DISAPPROVED. (9-0)**”

**XI. FINAL PLATS**

- 15. 2005S-201A-10**  
Tyne Meade, Section 4Q, Lot 3  
Map 130-11, Parcel 094  
Subarea 10 (1994)  
District 34 - Lynn Williams

A request to amend the side setback line from 37.5 feet to 25 feet on one lot located at the northwest corner of Wayland Drive and Beacon Drive (1.2 acres), classified within the R40 District, requested by Thomas W. Molteni, owner.

**Staff Recommendation - Approve**

**APPLICANT REQUEST**

**Final Plat** - Request to amend a platted side setback from 37.5 feet to 25 feet at the northwest corner of Wayland Drive and Beacon Drive.

**Zoning**

R40 district - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**AMMENDMENT DETAILS** - As proposed, the request will decrease the plated side yard setback along Beacon Drive from 37.5 feet to 25 feet. It is important to note that this is a revision to a recorded setback, and does not affect the required setback for the zoning district, which is 20 feet. If the request was less than what is required for the district then it would first require approval from the Board of Zoning Appeals (BZA).

The applicant has submitted a site plan that identifies a large addition to the existing home, which will create an attached two-family structure. According to the applicant, the request would allow the addition to be constructed without having to remove any significant trees that stand between the proposed home and the adjacent neighbor, who will be most effected by the proposal.

The applicant has provided letters from all abutting property owners stating that they are aware of the request, and that they have no concerns. In addition, Parcel 136 to the immediate north has a garage located on Beacon Drive that is closer to the street than what is being requested here. Parcel 136 does not have the same platted setback on Beacon as the subject lot because it was not platted as part of the same phase of the Tyne Meade subdivision. The location of the garage on Parcel 136 is relevant, however, because it establishes a context on Beacon Drive that supports the applicant’s request for a setback amendment.

Staff Recommendation - The requested amendment to the side yard setback is in compliance with the required setback for the zoning district, and similar to the setback for the neighboring Parcel 136. Staff recommends approval of the setback amendment request.

**TRAFFIC PUBLIC WORKS’ RECOMMENDATION - No Exceptions Taken**

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2005-271**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-201A-10 is **APPROVED. (9-0)**”

16. **2005S-205U-10**  
Hillmont Commons, Resubdivision of Lots A and B  
Map 117-11-H, Parcel 001, 002  
Subarea 10 (1994)  
District 25 - Jim Shulman

A request for final plat approval to create two lots located on the north side of Hillmont Drive, approximately 500 feet north of Glen Echo Road (0.94 acres), classified within the R10 District, requested by Monte G. Turner, owner, H & H Land Surveying, surveyor.

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST**

**Final Plat** - Request to create two lots on 0.94 acres along the north side of Hillmont Drive, approximately 500 feet north of Glen Echo Road.

#### **ZONING**

*R10 district* - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**PLAN DETAILS** - This subdivision proposes the division of a property that currently has a horizontal property regime on it, with an existing duplex. With this subdivision, half of the duplex is proposed to be removed, and a new single family lot created on the area where it currently stands. The remaining portion of the duplex is to remain on the other side of the property, as a single family home. As proposed, the request will create two total lots along the north side of Hillmont Drive with the following areas, and street frontages:

- Lot B: 19,037 Sq. Ft., (0.437 Acres), and 74.22 Ft. of frontage;
- Lot A: 22,107 Sq. Ft., (0.507 Acres), and 105.78 Ft. of frontage

The proposed plat includes a note to limit the uses of both lots to single-family homes only.

*Sidewalk requirement* - This property does fall within the Urban Services District. There are no existing sidewalks on either side of Hillmont Drive. Given that this subdivision does not create any new development rights, staff recommends that no new sidewalk extensions be required along the frontage of this property on Hillmont Drive.

*Lot comparability* - Section 2-4.7 of the Subdivision Regulations states 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 exception can be granted by the Commission if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission is not required to grant the exception if they do not feel it is appropriate.

The lot comparability analysis yielded a minimum lot area of 29,307 sq. ft., and a minimum lot frontage of 155.2 linear feet. **Neither** lot B nor A **pass** for minimum lot area, or minimum lot frontage.

*Staff Recommendation* - Staff recommends approval of a lot comparability exception. The proposed lots are located within a half mile radius of an area designated as a Regional Activity Center (located to the west).

Given that the total site area is 41,144 square feet, the applicant cannot meet the lot comparability requirement of 29,307 square feet for each lot.

Staff notes that this application should be considered in the context of the recently approved Glen Echo Resubdivision, which resulted in the creation of parcels 011 and 197 also on Hillmont, close to the intersection with Glen Echo Road. The minimum lot sizes and frontages used in that case are relevant to this case because they demonstrate the existing pattern of development on this road. The required dimensions for that subdivision were:

- Minimum lot size: 19,036 sq. ft.
- Minimum lot frontage: 72.52 linear ft.

The proposed lots in the current application are consistent with the standards applied by the Commission to the Glen Echo Resubdivision application.

Staff recommends that either an exception to lot comparability be granted, or the alternative minimum standards for lot comparability (as established above) be used. The subdivision qualifies for the exception criterion of being close to a Regional Activity Center. The lots also are consistent with other recently approved subdivisions on Hillmont Drive.

**TRAFFIC/PUBLIC WORKS' RECOMMENDATIONS - Public Works: No Exception Taken**

**Traffic**

1. No Exception Taken

**STORMWATER DEPARTMENT RECOMMENDATION - Approved**

**CONDITIONS (IF APPROVED):**

1. Prior to the recordation of this plat, the applicant must terminate the master deed to remove the existing horizontal property regime (a duplex) that is currently platted on the property.
2. Prior to the recordation of this plat, the applicant must re-submit the plat with the new lot and parcel numbers, as assigned to it by the Mapping Department; these numbers will be given to the applicant once the master deed is terminated. The resubmitted plat must also reference the new deed instrument number.
3. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road (Metro Ordinance 095-1541 Sec: 1568.020 B).
4. Fire hydrants should flow at least 1,000 GPM's at 40 psi.

Mr. Pereira presented and stated that staff is recommending approval with conditions.

Mr. Russell Parham, Jr. 1769 Hillmont Drive spoke in opposition to the proposal.

A resident of 1750 Hillmont Drive spoke in support in the proposal.

Mr. Monte Turner, owner, spoke in favor of the proposal.

Ms. Nielson mentioned a previous subdivision that occurred in this neighborhood in relation to the proposed subdivision.

Mr. Ponder spoke in support of the proposal.

Ms. Cummings moved and Mr. Clifton seconded the motion to approve with conditions final plat 2005S-205U-10.

Mr. Tyler requested further clarification regarding the Commission's action and results on a previous request to subdivide in this area.

Mr. Kleinfelter explained the previous request to Mr. Tyler.

Mr. Loring stated he was opposed to the subdivision due to its comparability to the existing community.

Mr. Small mentioned that the increased density included in this proposal adheres to the planning perspectives for this area.

Mr. Loring reiterated his opposition to this request.

Ms. Cummings moved and Mr. Clifton seconded the motion to approve with conditions final plat 2005S-205U-10.

**(7-2) No Votes – Loring, Tyler**



**Resolution No. RS2005-272**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-205U-10 is **APPROVED WITH CONDITIONS. (7-2)**

**Conditions of Approval:**

1. Prior to the recordation of this plat, the applicant must terminate the master deed to remove the existing horizontal property regime (a duplex) that is currently platted on the property.
2. Prior to the recordation of this plat, the applicant must re-submit the plat with the new lot and parcel numbers, as assigned to it by the Mapping Department; these numbers will be given to the applicant once the master deed is terminated. The resubmitted plat must also reference the new deed instrument number.
3. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road (Metro Ordinance 095-1541 Sec: 1568.020 B).
4. Fire hydrants should flow at least 1,000 GPM's at 40 psi.”

**17. 2005S-208U-05**

Brownsville, Resubdivision of Lot 51  
Map 083-03, Parcel 254  
Subarea 5 (1994)  
District 7 - Erik Cole

A request for final plat approval to create two lots on the north side of Rosebank Avenue at the northern terminus of Crescent Hill Road (1.33 acres), classified within the R10 District, requested by Natalie Cothron, owner, Mark D. Devendorf, suveyor.

**Staff Recommendation** - *Disapprove, unless revised plans are submitted with lot frontages revised. If revised plans are submitted, then staff recommends approval with conditions, including an exception to the lot comparability standards.*

**APPLICANT REQUEST - Final Plat**

Request to create 2 lots on 1.33 acres on the north side of Rosebank avenue at the northern terminus of Crescent Hill Road.

**ZONING**

R10 District R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS**

*Lot Comparability* - As proposed, the request will create two new lots along the north side of Rosebank Avenue with the following proposed area and street frontage:

- Lot 1: 47,394.78 Sq. Ft., (0.78 Acres), and 109.70 Ft. of frontage;
- Lot 2: 10,440.01 Sq. Ft., (0.24 Acres), and 60 Ft. of frontage.

Section 2-4.7 of the Subdivision Regulations

states 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 exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission is not required to grant the exception if they do not feel it is appropriate.

The lot comparability analysis yielded a minimum lot area of 8,681 sq. ft., and a minimum lot frontage of 88 linear feet. Both lots pass for area, while lot 2 fails for minimum frontage.

*Staff Recommendation* - Staff recommends disapproval of a lot comparability exception. The area land use policy is

Residential Low-Medium. The Land Use Policy Application (LUPA) recommends a density of two to four dwelling units per acre for this RLM policy. Staff recommends that the Commission not grant an exception for comparability, however, because the proposed lot is out of character with the majority of the lots along Rosebank Avenue and the applicant has alternatives that would make it more comparable with the existing lots. The applicant could shift the property line to include the existing driveway, which would result in a frontage for lot 2 that is closer to the required frontage and provide shared access to both lots.

*Sidewalk Variance* - Sidewalks are required along the frontage of lot 2 and have not been shown on the plat. Sidewalks should be shown and bonded or a financial contribution can be made in lieu of sidewalk construction to the Metro Sidewalk Fund.

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken.

**CONDITIONS (if approved)**

1. Prior to recordation, sidewalks are to be shown on the plan and bonded, or a financial contribution is to be made with a note added that states that “A financial contribution has been made in lieu of construction of the sidewalks on lot 2.”

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

Ms. Jean Cole, 318 Rosebank Avenue, spoke in opposition to the proposal.

Ms. Wilma Zonn, 308 Rosebank Avenue, spoke in opposition to the proposal.

Mr. Ponder left the meeting at 7:05 p.m.

Mr. McLean suggested that additional information on lot sizes and setbacks be included if in the event this proposal was brought back before the Commission.

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to adopt staff recommendation to disapprove final plat 2005S-208U-05. **(8-0)**

**Resolution No. RS2005-273**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-208U-05 is ~~APPROVED~~  
**DISAPPROVED. (9-0)**”

Amended by MPC on 8/25/05 – See Resolution RS2005-309

- 18. 2005S-212G-14**  
C.U.D. I Subdivision  
Map 086, Parcel 017  
Subarea 14 (2004)  
District 14 - Harold White

A request for final plat approval to create 3 lots on the south side of Panama Drive, approximately 750 feet west of Baltic Drive (18.01 acres), classified within the IWD and RS7.5 Districts, requested by Metro Government, owner, Stanley K. Draper, surveyor.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Final Plat**

Request for final plat approval to create 3 lots on 18.01 acres, including a variance to allow a lot that is more than three times the required base zone requirement along the south side of Panama Drive, approximately 750 feet west of Baltic Drive..

**Zoning**

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

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** - As proposed the request will take one parcel and six lots and create three new lots. The six lots that will be consolidated into a single lot are in a RS7.5 district, and the parcel to be subdivided into two new lots is within an IWD district. As proposed the lots will have the following areas:

- Lot 1: 112,398 Sq. Ft. (2.5 acres)
- Lot 2: 63,231 Sq. Ft. (1.5 acres)
- Lot 3: 609,222 Sq. Ft. (14 acres)

Metro Government (Water Services) currently owns the property, and will retain lot 1, while the remaining lots will be surplus to Public Property and transferred or sold.

Variance 2-4.2(D) - Section 2-4.2(D) of the Subdivision Regulations states that proposed lot areas shall not exceed three times the minimum lot size required by the Zoning Code for the zone district requirement. Exceptions can be made when land proposed for division contains flood plain or terrain other wise unsuitable for development or when private sewage disposal systems are to be utilized.

Proposed lot 2 is within the RS7.5 district, which stipulates a minimum lot area of 7,500 Sq. Ft. According to Section 2-4.2(D) the maximum lot size for any new lot in this district shall be no more than 22,500 Sq. Ft. Lot 2 that is 63,231 exceeds the maximum by 40,731 Sq. Ft.

The six lots within the RS7.5 district are being consolidated into a single lot to ease sale transactions and transfer of property. Because of the zoning, it is most likely that any new owner will resubdivide the lot. Staff recommends that the variance be approved, with the condition that any future subdivision of lot 2 must meet the Subdivision Regulations.

**TRAFFIC PUBLIC WORKS' RECOMMENDATION** - No Exceptions Taken

**STAFF RECOMMENDATION** - Staff recommends approval with the conditions listed below and approval of the required lot size variance for lot 2.

**CONDITIONS**

1. Any future subdivision of lot 2 must meet all subdivision requirements for its zoning district.
2. Identify any portion of the drainage easement for the ditch to the south that falls on the platted property.
3. Change the roadside PUE to a PUDE, in order to cover the roadside ditch with a drainage easement.
4. Correct parcel numbers must be identified.

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

Mr. Kleinfelter announced that Item #18 2005-212G-14 was pulled from the Consent Agenda due to a request to speak. He stated that there was no longer anyone present to speak on this item and could be placed back on the Consent Agenda.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to place Item #18 2005-212G-14 back on the consent agenda and approve with conditions. **(8-0)**

**Resolution No. RS2005-274**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-212G-14 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Any future subdivision of lot 2 must meet all subdivision requirements for its zoning district.

2. Identify any portion of the drainage easement for the ditch to the south that falls on the platted property.
3. Change the roadside PUE to a PUDE, in order to cover the roadside ditch with a drainage easement.
4. Correct parcel numbers must be identified.”

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## **XII. PLANNED UNIT DEVELOPMENTS (revisions)**

### **19. 89-67-G-13**

Travel Centers of America  
Map 183, Parcel 25  
Subarea 13 (2003)  
District 32 - Sam Coleman

A request for final approval for a Commercial Planned Unit Development district located abutting the east side of Old Hickory Boulevard at I-24 South, (21.03 acres), classified IR, to develop a 3,870 square foot addition to the existing 24,355 square foot convenience market/truck stop facility which includes access to Old Hickory Boulevard and Firestone Parkway, requested by Quality Project Management, applicant, for Travel Centers of America, owner.

**Staff Recommendation** - *Approve with conditions*

#### **APPLICANT REQUEST - Final PUD**

Request for final approval for a Commercial Planned Unit Development district to allow for the addition of 3,870 square feet of building area to the existing 24,355 square foot convenience market/restaurant/truck stop facility.

#### **PLAN DETAILS**

Applicant is proposing an additional 3,870 square feet of building area to the existing 24,355 square feet of building area. The proposed 3,870 addition will consist of a single structure, providing two additional truck bays, which will be used for truck maintenance and repair. The applicant originally requested a PUD revision and Final PUD, but because the addition (3,870) is in excess of ten percent of what was originally approved, the proposal required a PUD amendment. PUD amendments require preliminary review, and approval from Metro Council.

The MPC approved the preliminary PUD at its March 10, 2005, meeting, and was subsequently approved by Metro Council. As submitted, the final plan is consistent with the approved preliminary PUD plan.

**TRAFFIC: PUBLIC WORKS' RECOMMENDATION** - No Exceptions Taken

#### **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 adequate water supply for fire protection 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.

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

Mr. Gerald Chesney, 6605 Rabbit Creek Road, spoke in support of the proposal.

Councilmember Coleman announced there was a community meeting regarding this proposal and his constituents were not opposed and he could support it. However, he stated there was some concerns regarding the safety issues associated with Firestone Parkway and requested that Public Works address this issue.

Mr. Jonathan Honeycutt, Public Works, stated that due to the size of the addition included in this proposal, a traffic impact study was not required for this proposal.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve planned unit development 89-67-G-13. **(8-0)**

**Resolution No. RS2005-275**

“BE IT RESOLVED by The Metropolitan Planning Commission that 89-67-G-13 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

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 adequate water supply for fire protection 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.”

- 20. 2004P-009G-14**  
Bridgewater, Phase 2  
Map 98, Parcel 34  
Subarea 14 (2004)  
District 12 Jim Gotto

A request for final approval for a phase of a Residential Planned Unit Development located on the west side of Earhart Road and the north side of John Hager Road, classified R15, (43.20 acres), to develop 106 single-family lots, requested by Lose and Associates, applicant, for Bridgewater, LLC

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST -Final PUD**

Request for final approval for phase two of a Residential PUD, to develop 106 detached single-family and 34 duplex lots, of 192 detached single family lots and 98 duplex lots approved in the preliminary. Phase 2 involves 43.20 acres, located along the west margin of Earhart Road and the north margin of John Hager Road, classified R15.

**PLAN DETAILS**

*History* - The preliminary residential PUD, which called for 290 single-family lots, was originally approved at the May 13, 2004, Planning Commission meeting. A modified plan was re-referred to the Commission from Council in October 2004, with changes made to a pedestrian trail, as well as a modification to include 98 duplexes as a portion of the 290 lots. On October 14, 2004, the Planning Commission approved the PUD with sidewalk variances, and a requirement for the final plat to include bonds for off-site road improvements and any necessary public improvements. The final PUD for Phase 1 was approved at the January 13, 2005, Commission meeting, for 150 detached single family units.

*Site Design* - Phase 2 of the proposed plan features two different housing types, including 106 detached single family lots that range from 8,000-17,000 square feet in size, located on Hawk's Nest Drive and Buntingway Drive on the northwest, and Robindale Drive and Bluejay Court on the southeast. Phase 2 also includes attached single-family lots (duplexes), which are mainly located along Chickadee Circle, on the western portion of this phase.

*Internal pedestrian connections* - The approved preliminary PUD plans included a condition that required greater interconnectivity between housing types. This has been achieved through an internal system of trails and sidewalks.

*Lighting of pedestrian paths* - Several conditions of the council bill regarded the lighting of pedestrian paths in the PUD. One was that the developer provide lighting along areas of the pedestrian path that have safety concerns, such as areas that lack visibility from adjacent homes. Another condition required lit pedestrian linkages between the attached homes and the rest of the development. Phase 2 of the plans include a couple of such paths, one that connects the detached single-family units along Hawk Nest's Drive on the northwestern corner of the PUD with attached (duplex) homes located along Chickadee Circle to the south. There is also one pedestrian trail that links Bridgecross Parkway with the attached units along Chickadee Circle. The applicant has indicated the intent to provide low-level bollard lighting to these two pedestrian trails (see below). These bollards will be timed to provide lighting of the trail until the late evening.



Example of bollard light units along a sidewalk.

A third condition of the council bill included that a “main” trail shall be established between the attached units and the amenities center that is paved and lighted. The applicants have indicated their intent to also add bollard light units to this main trail that passes to the north of the amenities center, connecting Larkwood Drive with Bridgecross Parkway. All bollard lighting has been indicated on the plans.

**Conditions of Council BL2004-279** - The council bill approving the preliminary plan for this PUD included several conditions that were required to be included on the final PUD plans. Those conditions have been explicitly added to the final PUD plans, and all conditions required for approval of the final PUD have been met.

**METRO TRAFFIC/PUBLIC WORKS RECOMMENDATION** - Approvals are subject to Public Works' review and approval of construction plans.

**Traffic comment:** No Exceptions Taken

**METRO STORMWATER RECOMMENDATION** - As of 6/14/05, the plans were sufficient for technical review.

The technical review comments were received 6/30/05. They have been adequately addressed (verified 7/19/05).

#### **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 adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
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 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 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.

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

**Resolution No. RS2005-276**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-009G-14 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

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 adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
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 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 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.”

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- 21. 2004P-036U-07**  
 Nashville West Shopping Center, Revision to Preliminary and Final PUD  
 Map 102, Parcel 22, 23, 26, and part of 24 and 25  
 Subarea 7 (2000)  
 District 20 - Billy Joe Walls

A request for revision to preliminary and final approval for a Planned Unit Development located at along the north side of Charlotte Pike and the south margin of I-40, classified SCR, (53.15 acres) to permit the development of 504,169 square feet of retail, restaurant, and office, and 24 residential units, replacing 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, owner.

**Staff Recommendation** - *Approve, with conditions.*



### **APPLICANT REQUEST - Revision to Preliminary and Final PUD**

A request for a revision to preliminary and final approval for a Planned Unit Development located along the north side of Charlotte Pike and the south margin of I-40, to permit the development of 504,169 square feet of retail, restaurant, and office, and 24 residential units, replacing 474,484 square feet of retail, restaurant and office use and 24 residential units.

### **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.

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.

The only obvious change from the Council-approved preliminary plan is the out parcels lining Charlotte Pike have been moved closer to the street with parking located behind and away from the street.

### **PUBLIC WORKS' RECOMMENDATION**

#### *Engineering Division*

Approvals are subject to Public Works' review and approval of construction plans.

Submit roadway construction plans for all off-site improvements, including Charlotte Pike roadway improvements with striping and signing plan, off-site improvements for Brookhollow Road and Templeton Road with signal plan.

Show and label right of way width and distance to centerline for existing and proposed roadways.

#### *Traffic Division*

Plans do not indicate access easement to lot 50 and 62, as required in condition #2. Access agreement between PUD and proposed future development should be recorded.

Provide adequate turning radius from Templeton access driveway to Perimeter Drive.

Submit signal plan with general traffic notes.

Submit striping plan and show coordination with striping at I-40 ramps and at Hillwood Boulevard intersections per condition #1.

### **Nashville West PUD 2004P-036U-07/ 2004Z-150U-07 conditions**

1. Developer shall construct a minimum 3 lane cross section along the project frontage on Charlotte Pike from Hillwood / Annex intersection to the 5 lane section of Charlotte Pike 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.

Developer shall reserve and or dedicate right of way on Charlotte Pike for the U-4 road classification.

2. Developer shall provide cross access to the adjacent properties along Charlotte Pike. Out parcels shall have access to project perimeter road with no additional access to Charlotte Pike.

### **At the Templeton Road/Charlotte Pike intersection/western project access**

3. The project access road opposite Templeton Road shall be constructed with 2 entering lanes and 3 separate exiting lanes; a right, through, and left lane. These lanes shall be constructed with a minimum 240 feet of storage.

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.

4. 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 100 feet storage and design per AASHTO standards. This road construction will be required when the access drive at this location is constructed.
5. Developer shall construct a dedicated eastbound left turn lane on Charlotte Pike at this project access driveway with 350 ft of storage.
6. Developer shall construct a westbound right turn lane with 100 feet of storage and transition per AASHTO standards on Charlotte Pike at this project access drive.
7. 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 the 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**

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

**At Brook Hollow RD/ Project Access/ Charlotte Pike intersection**

10. 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.
11. 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.
12. Developer shall construct a westbound through/right turn lane on Charlotte Pike a distance of 500 feet east of Brookhollow Road/ Mall Drive and terminate as a right turn only lane into the middle site driveway. This lane design shall be in accordance with AASHTO standards.
13. 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.
14. 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.
15. Widening of Charlotte Pike shall include wide shoulders to accommodate bike riders.
16. Modify existing signal at Charlotte and Hillwood/Annex intersection to include eastbound and westbound right turn overlap phases on Charlotte Pike. Submit signal plan for Metro Traffic Engineer approval.

**STORMWATER** -The following items must be addressed before grading plans can be approved:

1. Show easement around water quality units.
2. Detention Agreement required the water quality units.
3. Dedication of Easement for the water quality units. Following statement to be placed below easement description: "Grantor agrees to provide Metro Water Services sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Storm water facilities within the aforesaid property."
4. Submit check for the recording of the Detention Agreement and Dedication of Easement. Make check payable to "Register of Deeds." The cost is \$5/sheet plus a \$2 recording fee per document.
5. Place stormwater appeal number on the cover sheet.
6. Two copies of the NOC.
7. Sign EPSC note.
8. Submit construction schedule. Include phasing information, especially concerning how erosion control measures (sediment basins) are to be maintained as the project progresses.
9. Add a detail for junction boxes to the detail sheet.
10. Clearly label the 408 contour as the 100 year floodplain elevation per your response to item #4 of the sufficiency review comments.
11. Submit cross sections for cut and fill in the 100 year flood elevation with cut and fill labeled. Cut volumes below the 2 year flood elevation cannot be counted.
12. What tailwater elevation was used at the outlet of each section of the stormsewer systems proposed?
13. Only three water quality units are labeled on the drainage table, identify the other two.
14. Label structures on C6.2.
15. Clarify approach to water quality. It must be provided for entire disturbed development, not just new impervious areas.
16. On the detail for the water quality unit clearly state the unit's design treatment to go along w/ the required on-site treatment and bypass capacity.
17. Clarify the 1.1" orifice. How sized? Is this a secondary water treatment measure or is it only for use during the construction phase?
18. Place following note on plans: As-builts are required for underground detention and water quality structures prior to issuance of the U&O Permit. This is in accordance with Metro Stormwater Management Manual Volume 1 Section 3.9 (As-Built Certification). Certification must include, at a minimum, the following information:
  - a. Manufacturer and model number of unit.
  - b. Dimensions
  - c. Attached shop drawings of installed unit.
  - d. Date of field inspection by Engineer (before backfilling structure).
  - e. Engineer stamp and date.

**PARKS** -The Park Board's previous actions have granted preliminary approval, and according to Parks Department Staff were intended to allow the applicant to proceed with final PUD approvals. The final park design would still come back to the Park Board for approval.

#### **CONDITIONS**

1. All Public Works conditions as listed above.
2. All Stormwater conditions as listed above.
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.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection 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, (9-0) *Consent Agenda*

**Resolution No. RS2005-277**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-036U-07 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

*Engineering Division*

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Submit roadway construction plans for all off-site improvements, including Charlotte Pike roadway improvements with striping and signing plan, off-site improvements for Brookhollow Road and Templeton Road with signal plan.
3. Show and label right of way width and distance to centerline for existing and proposed roadways.

*Traffic Division*

1. Plans do not indicate access easement to lot 50 and 62, as required in condition #2. Access agreement between PUD and proposed future development should be recorded.
2. Provide adequate turning radius from Templeton access driveway to Perimeter Drive.
3. Submit signal plan with general traffic notes.
4. Submit striping plan and show coordination with striping at I-40 ramps and at Hillwood Boulevard intersections per condition #1.

**Nashville West PUD 2004P-036U-07/ 2004Z-150U-07 conditions**

1. Developer shall construct a minimum 3 lane cross section along the project frontage on Charlotte Pike from Hillwood / Annex intersection to the 5 lane section of Charlotte Pike 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.

Developer shall reserve and or dedicate right of way on Charlotte Pike for the U-4 road classification.

2. Developer shall provide cross access to the adjacent properties along Charlotte Pike. Out parcels shall have access to project perimeter road with no additional access to Charlotte Pike.

**At the Templeton Road/Charlotte Pike intersection/western project access**

3. The project access road opposite Templeton Road shall be constructed with 2 entering lanes and 3 separate exiting lanes; a right, through, and left lane. These lanes shall be constructed with a minimum 240 feet of storage.

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.

1. 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 100 feet storage and design per AASHTO standards. This road construction will be required when the access drive at this location is constructed.
2. Developer shall construct a dedicated eastbound left turn lane on Charlotte Pike at this project access driveway with 350 ft of storage.
3. Developer shall construct a westbound right turn lane with 100 feet of storage and transition per AASHTO standards on Charlotte Pike at this project access drive.
4. 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 the 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**

1. The middle project access driveway shall be constructed with an appropriate design to ensure Right In and Right Out only vehicle operation.
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#### **At Brook Hollow RD/ Project Access/ Charlotte Pike intersection**

1. 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.
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3. Developer shall construct a westbound through/right turn lane on Charlotte Pike a distance of 500 feet east of Brookhollow Road/ Mall Drive and terminate as a right turn only lane into the middle site driveway. This lane design shall be in accordance with AASHTO standards.
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16. On the detail for the water quality unit clearly state the unit's design treatment to go along w/ the required on-site treatment and bypass capacity.
17. Clarify the 1.1" orifice. How sized? Is this a secondary water treatment measure or is it only for use during the construction phase?
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  - a. Manufacturer and model number of unit.
  - b. Dimensions
  - c. Attached shop drawings of installed unit.
  - d. Date of field inspection by Engineer (before backfilling structure).
  - e. Engineer stamp and date.
19. 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.
20. 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.
21. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
22. 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.
23. 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.

24. 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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### **XIII. MANDATORY REFERRALS**

- 22. 2005M-104U-08**  
Map 92-04, Parcel 150, 151, 152, 153, 154  
Subarea 8 (2002)

A request to abandon a portion of the right of way on Alley #549, from 12th Avenue North southwestwardly to Alley #572, and Alley #572, from Jackson Street southwestwardly to Alley #549, requested by Jackson Street Missionary Baptist Church, applicant.

Mr. Kleinfelter presented and stated that staff is recommending disapproval.

Pastor N. Curtis Bryant, 1209 Jackson Street, spoke in support of the proposal.

Mr. Tyler requested additional clarification regarding the applicant’s ownership of the surrounding properties affected by this proposal and their request to close the alleys.

Ms. Cummings also requested additional information regarding the parcels included in the proposal, their ownership and staff’s recommendation.

Mr. Kleinfelter explained the reasons for disapproval from both the Historical Commission and the Public Works departments.

Pastor Bryant further explained and clarified the request of the Jackson Street Missionary Baptist Church.

Ms. Cummings requested further clarification on whether one of the alleys could be closed.

Mr. Kleinfelter stated he could not confirm whether the Historical Commission or the Public Works department would agree to the closing of one alley.

There was a discussion regarding the various options available to the Church regarding their proposal. The discussion included moving the proposed playground, closing one of the alleys as opposed to both alleys and whether the Commission should defer the request to allow additional time to review the available options.

Mr. Tyler requested additional information regarding the subarea plan for the area and whether the proposed daycare building could be constructed.

Ms. Cummings spoke favorably of the Church, and suggested that due to the challenges they face included in this proposal, that the Commission defer this item to allow additional time for the Church to review all of their options.

Mr. Clifton requested additional clarification on whether a deferral would stop the request from moving forward to the Council.

Mr. Kleinfelter stated the deferral would not stop the process. He further explained that the deferral would allow additional time for the planning staff to facilitate meetings between the Historical Commission, Public Works Department and the applicant.

Mr. McLean suggested the applicant resubmit their application with a planned unit development so that the various departments would be made aware of their intentions for this area.

Ms. Nielson was in favor of deferring this item to allow additional time for the applicant to meet with the various departments.

Mr. Loring spoke in support of both alley closures. He stated that anything but the closures would disrupt the progress of the church.

Mr. Loring moved and Ms. Cummings seconded the motion, to approve mandatory referral 2005M-104U-08 as requested by the applicant.

There was a brief discussion regarding the motion as moved by Mr. Loring.

This motion failed.

Mr. Clifton moved and Ms. Nielson seconded the motion, to defer mandatory referral 2005M-104U-08 until August 25, 2005 to allow additional time for staff and other agencies to work with the applicant to produce a more acceptable proposal. **(8-0)**

**Resolution No. RS2005-278**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2005M-104U-08 is DEFERRED TO THE AUGUST 25, 2005 COMMISSION MEETING (9-0).”**

**XIV. OTHER BUSINESS**

**23.** Amended contracts for Adetokunbo Omishakin and Patricia Brooks

Approved, (9-0) *Consent Agenda*

**24.** Nashville Metropolitan Planning Organization (MPO) FY-2005 contract obligating FHWA PL funds, amendment 1

Approved, (9-0) *Consent Agenda*

**25.** Clarification of the common open space requirement in cluster lot subdivision

Mr. McLean explained that he had received some concerns regarding the open space requirement in cluster lot subdivisions as proposed by staff. He indicated that it was interpreted by some that staff was trying to lower density.

Ms. Hammond announced that the requirement does not reduce the acreage that the density is calculated.

Mr. McLean also commented that staff has never been anti-growth, nor has the Commission tried to lower density.

Ms. Jones explained that the cluster lot option does not reduce density to allow for more units, but actually a condensed version of a subdivision with the ability to include natural open spaces.

Mr. Bernhardt explained that the requirement allows for the maximum number of units for base zoning. The cluster lot option allows for a variety of lot sizes included in a subdivision as opposed to the conventional subdivision. The requirement does define common open space. Each portion has to have at least 15% of common open space. This can not include required infrastructure improvements such as drainage, and the common open space can not simply be what is left over, it has to be what is in fact available for the enjoyment of the residents.

Mr. Small requested additional information regarding the benefits and/or rationale for cluster lot options.

Mr. Bernhardt explained this concept to the Commission.

Mr. McLean commented on the issue of defining common open space.

Mr. Clifton commented on the continued growth in Davidson County.



Mr. McLean moved and Mr. Ponder seconded the motion, to approve the definition of the common open space requirement included in the Cluster Lot options.

Mr. Bernhardt explained that the cluster lot option will continue to go through various refinements and that this is just an interim step.

Mr. McLean requested clarification on whether those who have already received preliminary approval on their cluster lot options would be grandfathered in under the previous definition.

Mr. Bernhardt agreed that they would be grandfathered in and only the new applications would be affected by this requirement.

The motion to approve the definition of the common open space requirement included in the cluster lot options. (8-0)

26 Executive Director Reports

27 Legislative Update

#### **XIV. ADJOURNMENT**

The meeting adjourned at 8:05 p.m.



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Chairman

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Secretary