



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

August 11, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
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
Adriane Harris, Planner II
Luis Pereira, Planner I
Jason Swaggart, Planner I
Nekeya Young, Planning Tech I
Jennifer Carlat, Communications
Cynthia Wood, Planner III
Ms. Leslie Thompson, Planner I
Ms. Jennifer Regen, Dev. Relations Mgr.

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced that pursuant from advice from the Metro Legal Department, Item #20 88P-038G-13 has been removed from the August 11, 2005 agenda.

Ms. Nielson moved and McLean seconded the motion, which passed unanimously, to approve the August 11, 2005 agenda as presented. **(8-0)**

III. APPROVAL OF JULY 28, 2005 MINUTES

Mr. Loring moved and Ms. Nielson seconded the motion which passed unanimously to approve the minutes of July 28, 2005. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Dozier requested that 2005Z-056bT be deferred until August 25, 2005.

Councilmember Gotto announced that he would reserve his comments until after his items were presented to the Commission.

Councilmember Shulman spoke in favor of Item #10 2004NL-028U-10 which was on the Consent Agenda. He also mentioned that some of his constituents affected by Item #11 2005S-135U-10, Belmont Park Condos would address the Commission. He stated that the opposition is in relation to a private drive that is included in the proposal.

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

Ms. Jones arrived at 4:08 p.m.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- 4. 98S-351U-07 Jocelyn Hills, Sec.1 - Request for final plat approval to create eight lots on the northwest side of Clearbrook Drive and the northeast side of Baskin Drive – deferred to September 8, 2005 at the request of the applicant
- 6. 2005Z-056bT A council bill to amend Section 17.40.280 of the Zoning Code requiring rural bed and breakfast homestays, day care centers and day care homes to be approved by council resolution prior to the public hearing by the Board of Zoning Appeals
- 15. 2005S-221G-13 Leslie Cappama Sub - Resubdivision Lot 1 & 2 - A request for final plat approval to create four lots on the northeast corner of Hamilton Church Road and Hobson Pike – deferred to September 8, 2005 at the request of the applicant

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. (10-0)

VI. PUBLIC HEARING: CONSENT AGENDA

**PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS
ZONING MAP AMENDMENTS**

- 8. 2005Z-105T Mixed Use Bulk Standards and Buffer Yards along Public Alleys - A council bill to amend the Zoning Code to increase the permitted impervious surface ratio in mixed-use districts, to increase the permitted building height standards in mixed-use districts and adopted redevelopment districts, and to modify the buffer yard requirements along public alleys. - Approve
- 10. 2004NL-028U-10 Request for development plan approval for a Neighborhood Landmark Overlay, located at 1100 Clifton Lane - Approve w/conditions

PRELIMINARY SUBDIVISION PLATS

- 13. 2005S-199U-13 Hobbs Subdivision, Second Rev. of Resub of Lots 1-4 - Request for preliminary plat approval to create five lots located at the southwest corner of I-40 East and Briley Parkway South - Approve w/conditions

FINAL PLATS

- 14. 2005S-220U-12 Lake Providence Missionary Baptist Church, Resubdivision of Lot 2 - Request for final plat approval to create five lots located on the south side of Alice Avenue at the east terminus of Higgins Street, - Approve w/conditions sidewalk variance no longer required
- 16. 2005S-226G-13 Center for Business and Technology - Request for final plat approval to create three lots on the west side of Heil Quaker Boulevard - Approve w/ conditions

PLANNED UNIT DEVELOPMENTS

- 18. 122-82-U-12 Grassmere Business Park, Section 1 (Talcott Office) - Request for final approval for a phase of the Commercial Planned Unit Development District located on the east side of Trousdale Driveto permit the development of a 30,329 square foot office building -Approve w/ conditions
- 19. 62-87-P-06 Summit Oaks, Phase 4 - Request to revise a portion of the Preliminary plan and for final approval for a phase of the Residential Planned Unit Development district located along the west side of Old Hickory Boulevard, to permit 27 single-family lots, - Approve w/ conditions including additional critical lot plans requirements; (1) Critical lots plans will be required to look at the potential impact to adjoining

lots. The plan will require at least 25 feet of each adjoining lot be shown and indicated how that lot will not be impacted by the design of the house, drive, patio or decks. (2) The Developer will be required to review each critical lot plan prior to its submittal to the Planning Commission Staff

OTHER BUSINESS

- 21. Employee Contract for Joni Priest - Approve
- 22. Amendment to Contract L-1075 for the Southeast Corridor Transit Alternatives Study to revise Task 8 to include an On-Board survey.-Approve
- 23. Amendment to the funding grant for contract L-1075 with TDOT, Office of Public Transportation to obtain additional funding for the revision to Task 8.-Approve
- 24. Letter of inter-departmental agreement between the Metropolitan Transit Authority (MTA) and the Metropolitan Planning Commission on behalf of the Metropolitan Planning Organization (MPO) to provide match funding for the above referenced grant with TDOT- Approve

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the consent agenda as presented. **(10-0)**

VII. SUBAREA PLAN CORRECTION FOR DONELSON/HERMITAGE COMMUNITY PLAN: 2004 (TULIP GROVE ROAD AT LEBANON PIKE)

Staff Recommendation -Approve.

APPLICANT REQUEST Amend the adopted Structure Plan to include a Special Policy Note to allow consideration of NC or OT land use policy under certain conditions for this property at Tulip Grove Road.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Existing Land Use 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.

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Proposed Alternate Land Use Policy

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and area intended to act as local centers of activity. The key types of uses intended within these areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Office Transition (OT) OT is intended to be used in exceptional cases to serve as a transition between lower and higher intensity uses. Generally, transitional offices are used between residential and commercial areas.

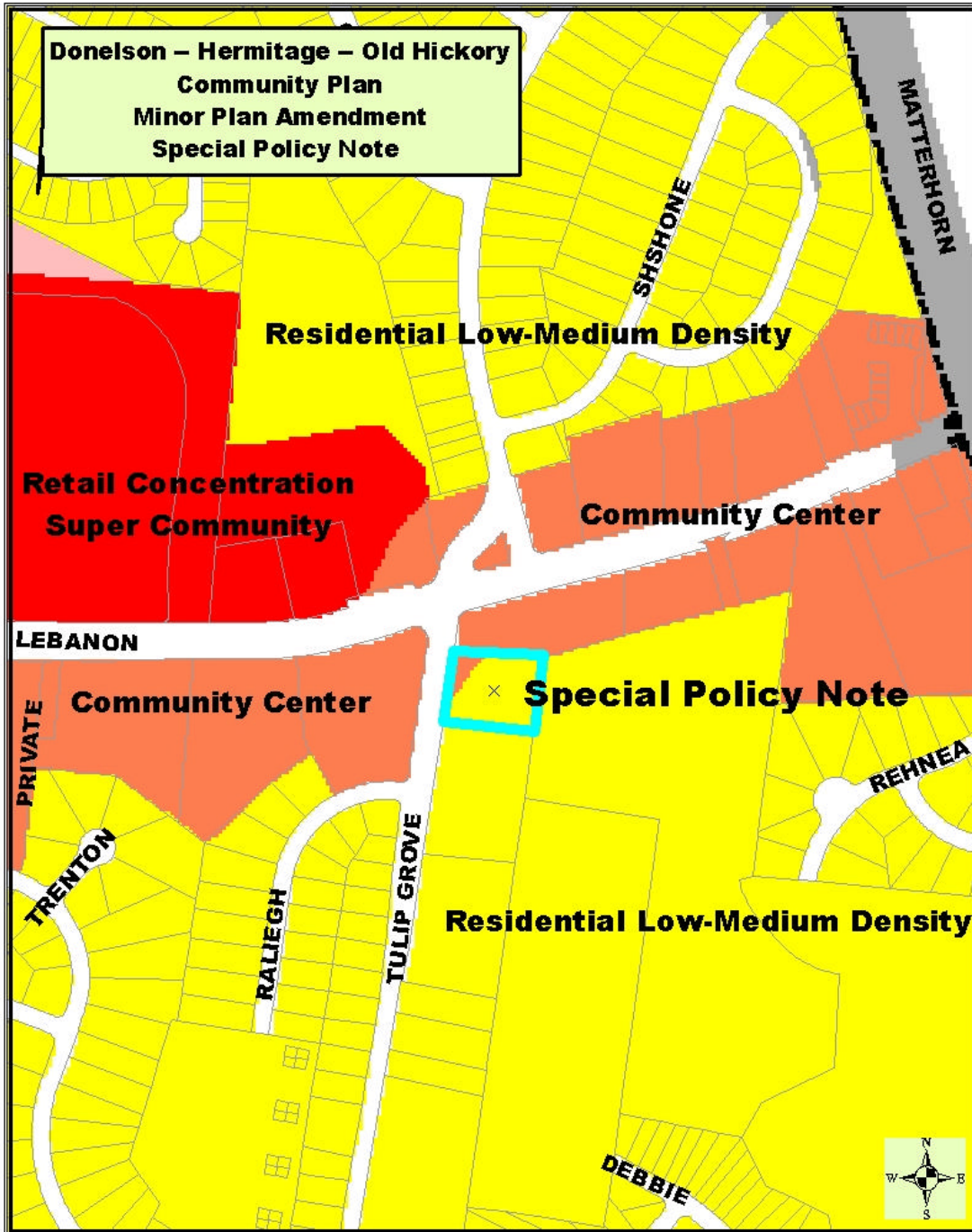
ANALYSIS - This Special Policy Note is associated with Case 2005Z-092G-14 which is a request to change the zoning from R10 to MUN (Mixed Use Neighborhood) for the property located at Tulip Grove Road, approximately 150 feet south of the southeast intersection of Tulip Grove Road and Lebanon Pike (1.16 acres).

The special policy note allows for an alternate land use policy for this property that was agreed upon with the community during the plan update process. It was inadvertently left out of the adopted updated community plan.

Since this property is behind a commercial center building and across from a Walgreen's store, the site is acceptable for small-scale office and neighborhood-scale mixed use. This property is bound by a stream in the front and steep topography to the rear of the property. The physical constraints of the property restrict some of the development potential of the property and prevent higher intensity retail development.

Staff proposes the following policy language be added:

Special Policy # 16. The alternate Structure Plan policy for the portion of this parcel in RLM (Residential Low Medium density) policy is either NC (Neighborhood Center) or OT (Office Transition) to allow for small-scale office or neighborhood-scale mixed use. However, this non-residential use is restricted to this parcel and is not intended to spread further south down Tulip Grove Road.



Ms. Wood presented and stated that staff is recommending approval of the Subarea Plan Correction for Donelson/Hermitage Community Plan: 2004.

Ms. Harris presented and stated that staff is recommending approval of Zone Change 2005Z-092G-14.

Mr. John Stern spoke in opposition to the Subarea Plan correction for Donelson/Hermitage Community Plan Update: 2004. He stated that if the Subarea Plan correction was approved, the Donelson/Hermitage Neighborhood Association would be in support of the zone change only if a Planned Unit Development bill was to accompany zone change 2005Z-092G-14. He submitted a letter to the Commissioners.

Councilmember Gotto spoke in favor of the Subarea Plan correction for Donelson/Hermitage Community Plan: 2004, as well as zone change 2005Z-092G-14. He stated that he will continue to meet with Mr. Stern, the Donelson/Hermitage Neighborhood Association, and the owners of the property so that the intentions for this parcel are presented and well communicated to all parties involved. He stated that the proposal will enhance the community.

Mr. Clifton requested additional clarification on the zone change request as well as the plan amendment.

Mr. Clifton questioned whether the opposition mentioned by Mr. Stern was noted during the Community Plan processes that were held when the plan amendment originated.

Ms. Wood indicated that she did not remember any opposition, and the area in question, was not a main focus during the planning processes.

Mr. Bernhardt explained that plan amendments can be calculated as either major or minor, and depending on its severity, would dictate the need for community input.

Mr. Clifton suggested that the items being proposed be voted on separately.

Mr. Lawson explained that due to the fact that both items were presented simultaneously, that they would be voted on in the same manner.

Mr. Small moved and Mr. Loring seconded the motion, to approve the Subarea Plan Correction for Donelson/Hermitage Community Plan: 2004, as well as Zone Change 2005Z-092G-14. **(9-1) No Vote – Clifton**

[Note: Item #VII and Item #3 were discussed by the Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

ZONING MAP AMENDMENTS

- 1. 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.

[Note: Item #1 and Item #2 were discussed by the Metropolitan Planning Commission together. See Item #2 for actions and resolutions.]

- 2. 2005P-018G-12**
Preston Estates PUD
Map 174, Parcels 13, 126, 127, P/O 220
Subarea 12 (2004)

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

Ms. Harris presented and stated that staff is recommending disapproval of Zone Change 2005Z-059G-12 as well as the Planned Unit Development 2005P-018G-12 as it is premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.

Mr. Bubba Ingram, 5560 Franklin Pike Circle, spoke in support of the proposed development.

Mr. Charlie Paul, 787 Preston Road, spoke in support of the proposed development.

A discussion ensued regarding whether the option of deferring this proposal, as opposed to disapproving it, would be more beneficial to the applicant and whether a resolution could be obtained due to the lack of infrastructure already contained in this area.

Mr. Bernhardt explained the issues surrounding this proposal including the transportation infrastructure deficiencies and the calculations used to determine these factors. He also explained factors involving the policies for this area and how they relate to the General Plan.

Ms. Nielson moved and Ms. Jones seconded the motion, which passed unanimously to defer Zone Change 2005Z-059G-12 and Planned Unit Development 2005P-018G-12 to August 25, 2005, to allow additional time for staff to work with the applicant on this development.

Resolution No. RS2005-279

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-059G-12 is **DEFERRED TO THE AUGUST 25, 2005 PLANNING COMMISSION MEETING. (10-0)**”

Resolution No. RS2005-280

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-018G-12 is **DEFERRED TO THE AUGUST 25, 2005 PLANNING COMMISSION MEETING. (10-0)**”

The commission recessed at 4:40 due to technical difficulties.

The commission resumed at 4:55 p.m.

- 3. 2005Z-092G-14**
Map 076-01, Parcel 115
Subarea 14 (2004)
District 12 - Jim Gotto

A request to change from RS10 to MUN district property located at Tulip Grove Road (unnumbered), approximately 150 feet south of the southeast intersection of Tulip Grove Road and Lebanon Pike (1.16 acres), requested by The Oaks of Lakeview, LLC, owner.

Staff Recommendation - *Approve subject to approval of amendment to the Donelson-Hermitage-Old Hickory Community Plan.*

APPLICANT REQUEST- Rezone 1.16 acres from residential (R10) to mixed use neighborhood (MUN) district property at Tulip Grove Road (unnumbered), south of Lebanon Pike.

Existing 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.

Proposed Zoning

MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at the intersection of two major thoroughfares or extend along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

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 A proposed amendment to the community plan for this area is also on the August 11, 2005, Commission agenda. The proposed MUN district is consistent with the proposed policy, including a special policy in this area calling for office and mixed use zoning districts for this property. The policy also states that there should be no further expansion of these uses along Tulip Grove Road, away from the intersection.

This item was on the July 14, 2004, with a staff recommendation of disapproval. It has since been determined, however, that the special policy was inadvertently left out of the community plan allowing for small scale office and mixed use zoning districts on this property. This policy had been agreed to by the community during the update process for the community plan in this area. This property is bounded by a stream in the front and steep topography to the rear of the property. The physical constraints of the property may restrict some of the development potential of the property and prevent higher intensity retail development.

RECENT REZONINGS Parcel 082 to the east of the property was approved by the Commission on July 22, 2004 for a rezoning from RS10 to RM6 and also for approval of a preliminary PUD for 90 townhomes and 90 single-family lots.

TRAFFIC - A TIS may be required at development.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.16	3.7	4	55	13	6

Typical Uses in Proposed Zoning District: CS/MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.16	0.198	10,005	226	30	90

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
--				171	17	84

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.16	3.7	4	55	13	6

Maximum Uses in Proposed Zoning District: CS/MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	1.16	0.15*	7,579	5594	508	398

*adjusted as per use

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5539	495	392

Approved, (10-0) *Consent Agenda*

Resolution No. RS2005-281

“BE IT RESOLVED by The Metropolitan Planning Commission that the Subarea Plan Correction for Donelson/Hermitage Community Plan: 2004 (Tulip Grove Road at Lebanon Pike) was **APPROVED. (9-1)**”

Resolution No. RS2005-282

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-092G-14 is **APPROVED. (9-1)**

The proposed MUN district is consistent with the adopted correction to the Donelson-Hermitage Community Plan, which includes a special policy that was inadvertently left out of the plan update process in 2004. The special policy calls for office and mixed use zoning districts for this property. The policy also states there should be no further expansion of these uses along Tulip Grove Road, away from the intersection. This property is bounded by a stream in the front and steep topography to the rear of the property, which are physical constraints that may restrict some of its development potential, and prevent higher intensity retail development. The Commission approved this request along with the plan correction for the Donelson/Hermitage Community Plan: 2004 (Tulip Grove Road at Lebanon Pike).”

FINAL PLATS

4. **98S-351U-07**
 Jocelyn Hills, Sec.1
 Map 129-02, Parcel 045
 Map129-06, Parcel 050, 051, 057 &
 Map129-06, Parcel part of 010 & 011
 Subarea 7 (2000)
 District 23 - Chris Whitson

A request for final plat approval to create eight lots on the northwest side of Clearbrook Drive and the northeast side of Baskin Drive (20.44 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 98S-351U-07 to September 8, 2005, at the request of the applicant. (10-0)

PLANNED UNIT DEVELOPMENTS

5. **2004P-029U-11**
Nolensville Center
Map118-04, Parcel 081
Map119-01, Parcel 044
Subarea 11 (1999)
District 16 - Amanda McClendon

A request for preliminary approval for a Planned Unit Development district located at 2204 Nolensville Pike, and Hester Avenue (unnumbered), 250 feet south of Glenrose Avenue, classified CS and R6, and proposed for CS (.45 acres), to permit an expansion of the existing car sale operation with a proposed 1,350 square foot building, requested by Shaun Shirzad Etemadi, owner.

Staff Recommendation - *Disapprove due to lack of approval from Metro Stormwater.*

APPLICANT REQUEST - Preliminary PUD

Request to adopt a Preliminary PUD to permit an expansion of the existing car sale operation within a proposed 1,350 square foot building, located between Nolensville Pike and Hester Avenue.

ZONING & LAND USE POLICY

CS and R6 district - Parcel 044 was approved with conditions by the Commission on February 26, 2004, to change to the CS district, with a condition that no access be permitted from Hester Avenue. The council bills for both the zone change for parcel 044 and the request for preliminary PUD were deferred indefinitely by the Council member on August 2, 2005.

PLAN DETAILS

Site Design - The plan proposes an auto sales operation with a 1,350 square foot building. The existing office building will be removed upon completion of the proposed building. The total area of the property is 0.46 acres (20,192 sq. ft.). The applicant originally proposed parking in the rear parcel, but has now revised the plan to show no proposed building or parking in the rear parcel.

Billboard - Section 17.30.150A of the Zoning Ordinance states that “billboards are prohibited on any property within a planned unit development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the metropolitan council.”

The applicant is proposing to keep the existing billboard with the boundary of the PUD. The intent of the PUD provisions in the Code is to provide the community, Commission and Council with a method of ensuring that property is developed in a “well-planned and coordinated manner.” Staff recommends, therefore, that the existing billboard be removed from the master development plan unless and until it is expressly permitted by the Metro Council.

Access Access is proposed from Nolensville Pike and Hester Avenue. The applicant proposes pedestrian access from Hester Avenue. The Commission recommended that no access be allowed from Hester Avenue with the zone change request (2004Z-030U-11) approved in February 2004. The applicant has indicated, however, that pedestrian access is needed for garbage disposal. Staff recommends that the 3-foot pedestrian access may be allowed for this purpose, with the condition that no parking be allowed along Hester Avenue, unless specifically approved by the Traffic & Parking Commission. Public Works shall be requested to investigate with the community whether no parking signs can be posted on one or both sides of Hester.

Water Quality Concept The water quality concept is also not shown on the plan and the Stormwater Division of Metro Water Services has requested that it be shown. Therefore, an approval has not been received from Metro Stormwater. The applicant submitted revised plans to Metro Stormwater, but disapproval is still recommended (see below):

Metro Stormwater recommendation: “Even though they removed the proposed parking lot on the back lot (Map-119-01, Parcel 44), we still cannot approve the preliminary PUD for the proposed 1,350 sq. ft. building. The front parcel (Map 118-04 Parcel 81) was built without an approved grading plan and grading permit. To build the 1,350 sq.ft. building, they are required to bring the entire site in full compliance with Metro Stormwater regulations which includes permanent onsite stormwater quality treatment and stormwater quantity controls.”

Sidewalks - Sidewalks are required along Hester Avenue and Nolensville Pike and are now shown on the plan.

Landscape Buffer Yards - Landscape buffer yards are required and proposed along Hester Avenue opposite the R6 zoning. Buffer yards are not required along the eastern and western boundaries since the adjacent property has been recently rezoned to CS in January 2005.

STAFF RECOMMENDATION - Staff recommends disapproval of the PUD since Metro Stormwater has not recommended approval of the plan. The plan fails to address water quality concerns from Metro Stormwater and keeps the existing billboard as a part of the plan. If approved, a revised preliminary plan would need to be submitted to address all of the above issues prior to the third reading at Metro Council.

CONDITIONS (IF APPROVED)

1. Prior to third reading at Metro Council, a revised plan shall be submitted with the following:
 - a. Water quality is to be shown and approved by Metro Stormwater.
 - b. Sidewalks are to be shown along Hester Avenue.
 - c. The following notes are to be revised:
 - Note #1 should be revised to say: "No parking on Hester Avenue, unless approved by the Traffic & Parking Commission."
 - Note #2 should be revised to say: "No storage of wrecked vehicles."
 - Note #6 should be read: "No access to Hester except for pedestrian access."
 - Note #9 should read: "Minor repairs of cars for sale shall be permitted on rezoned lot, parcel 44. Repairs such as body work or rebuilding shall not be permitted."
 - Remove the additional language: "Mobile sales office to be removed after completion of service/office building."
 - A note shall be added that "The existing billboard is to be removed and no additional billboard will be permitted."

Ms. Harris presented and stated that staff is recommending disapproval due to the lack of approval from Metro Stormwater.

Mr. Shaun S. Etemadi, 2204 Nolensville Road, spoke in support of the proposed development.

Mr. Rodney Kruse, 6495 Holt Road, spoke in support of the proposed development.

Mr. Loring mentioned he was in agreement with staff recommendation.

Mr. Small stated he was also in agreement with staff. He mentioned that the zone change request for this parcel has already been approved and the only consideration for this proposal was the PUD.

Mr. McLean offered that once the PUD was approved by Stormwater, then the Commission could move on the proposal.

Mr. Clifton suggested an alternative option to the Commission which would be to approve the PUD subject to the condition that water quality be approved by Metro Stormwater. He explained that this option would have the affect of a disapproval until the applicant receives approval from Metro Stormwater.

Mr. Lawson requested Mr. Bernhardt's opinion on this option.

Mr. Bernhardt explained that this option could be approved with those specific conditions.

Ms. Jones offered that this would allow additional time for the owner to work on the remainder of the parcel included in the PUD.

Mr. Tyler acknowledged that it is necessary for the applicant to obtain an engineer to address the stormwater issues and have it approved by Metro Stormwater.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve Planned Unit Development 2004P-029U-11, inclusive of all staff conditions, as well as compliance with Metro Stormwater. If approval is not obtained from Metro Stormwater, the Commission's recommendation is to disapprove. **(10-0)**.

Resolution No. RS2005-283

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-029U-11 is **APPROVED WITH CONDITIONS outlined in the staff report, and DISAPPROVED if these conditions are not met. (10-0)**

Conditions of Approval:

Prior to third reading at Metro Council, a revised plan shall be submitted with the following:

1. Water quality is to be shown and approved by Metro Stormwater.
2. Sidewalks are to be shown along Hester Avenue.
 - The following notes are to be revised:
 - Note #1 should be revised to say: “No parking on Hester Avenue, unless approved by the Traffic & Parking Commission.”
 - Note #2 should be revised to say: “No storage of wrecked vehicles.”
 - Note #6 should be read: “No access to Hester except for pedestrian access.”
 - Note #9 should read: “Minor repairs of cars for sale shall be permitted on rezoned lot, parcel 44. Repairs such as body work or rebuilding shall not be permitted.”
 - Remove the additional language: “Mobile sales office to be removed after completion of service/office building.”
 - A note shall be added that “The existing billboard is to be removed and no additional billboard will be permitted.

The rear parcel included with the proposal for the Nolensville Center preliminary PUD was approved by the Planning Commission in February 2004, to change to a CS zoning district, with a condition that no access be permitted from Hester Avenue. The council bills for both the zone change and the request for preliminary PUD were deferred at the August 2, 2005, Council meeting. The revised preliminary PUD plan proposes an auto sales operation with a 1,350 square foot building, removes the existing office building, and removes the proposed building and parking from the rear parcel (as shown formerly on prior plans). The applicant proposes to keep the existing billboard with the boundary of the PUD, and site access is proposed from Nolensville Pike (vehicular) and Hester Avenue (pedestrian only). The water quality concept was not shown on this revised plan, as requested by the Stormwater Division of Metro Water Services, and therefore this agency has not approved the plan. The preliminary PUD plan is consistent with the CAE policy along Nolensville Pike, and the plan will limit the negative effects on Hester Avenue if the staff recommended conditions are complied with, including the requirement that the applicant submit revised plans that address water quality and quantity devices as required by Stormwater, as well show the removal of the existing billboard from the site.”

IX. PUBLIC HEARING:
ZONING MAP AMENDMENTS

6. 2005Z-056bT
Graphic Signs

A council bill to amend Section 17.32.050 of the Zoning Code to permit signs with graphics or electronic displays along a four-lane or controlled access highway, sponsored by Councilmember-at-Large Buck Dozier.

The Metropolitan Planning Commission DEFERRED Zone Change Text Amendment 2005Z-056bT to the August 25, 2005, Planning Commission meeting, at the request of the applicant. (10-0)

7. 2005Z-093T
Rural Bed and Breakfast Daycare Homes

A council bill to amend Section 17.40.280 of the Zoning Code requiring rural bed and breakfast homestays, day care centers and day care homes to be approved by council resolution prior to the public hearing by the Board of Zoning Appeals, sponsored by Councilmember Jim Gotto.

Staff Recommendation - *Disapprove the addition of “rural bed and breakfast homestays,” “day care homes” and “day care centers” to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the BZA.*

REQUEST - Amend Zoning Code section 17.40.280 to require that rural bed and breakfast homestays, day care centers and day care homes be approved by a resolution adopted by the Metropolitan Council prior to the public hearing by the Board of Zoning Appeals.

ANALYSIS

Existing Law – Rural Bed and Breakfast Homestays - The Metro Zoning Code defines “Rural bed and breakfast homestay” to contain “six or fewer furnished rooms for pay within a private, owner-occupied structure which is on a single lot that exceeds five acres, and is located in an agriculturally zoned district, and authorized by the board of zoning appeals, according to Section 17.16.160.”

The criteria that must be met by the proposed rural bed and breakfast homestay to be approved by BZA include:

- Agriculturally zoned lot of five or more acres,
- Must be owner-occupied,
- No more than one off-street parking space to be provided for each quest room with the BZA determining location and buffering/screening,
- No signs permitted for advertising; one accessory residential sign permitted,
- Bulk regulations for the zoning district of the homestay shall apply,
- The owner will keep and make available a guest register for the zoning administrator,
- Regulations on meal service, and
- Required fire marshal approval of the structure for safety.

Existing Law - Day Care Facilities - The Metro Zoning Code defines “day care” as the provision of care for individuals, who are not related to the primary caregiver, for less than twenty-four hours per day.

The Code delineates three types of day care facilities – “accessory to a single-family dwelling,” “day care homes” and “day care centers.” Within day care centers, there are four “classes” based on number of individuals served.

Where Day Care Is Allowed - The type of facility and the number of individuals served dictates where the facility may be located.

Type	No. of Individuals Served	Regulated by Zoning Code	Zoning Districts Where Facility Is Allowed as “Special Exception” (SE)
Accessory to a SF dwelling	4 or fewer	No	N/A
Day Care Home (DCH)	5 to 12	Yes	Allowed as SE in all Agricultural, RS, R, RM and Mobile Home Park districts
Day Care Center (DCC)	Class I – 13 to 25 Class II – 26 – 50 Class III – 51 – 75	Yes - All classes	Classes I through III - Allowed as SE in all Ag., RS, R, RM and Mobile Home Park districts
Day Care Center (DCC)	Class IV – 76 or more	Yes – All classes	Class IV – Not allowed in Ag., RS or R districts; Allowed as SE in RM and Mobile Home Park districts.

Process by Which Special Exception Is Sought for Day Care Facilities The current process for seeking a “Special Exception” (SE) for permission to operate a day care facility is as follows:

- Applicant seeking SE files application with Metro Codes. Application must have scaled site plan for day care home or day care center.
- Metro Codes staff:
- begins the multi-Department review process,
- schedules a hearing date, and
- conducts notification (legal ad, letter to applicant, notice to neighbors within 300 ft of any point of the property with proposed day care facility, notice to district Councilmember, and signs)
- BZA hearing with action by BZA – approve, approve with conditions, disapprove or defer.

What Standards Day Care Must Meet -The BZA is limited in what criteria it may consider when determining the advisability of a proposed day care home or day care center. The criteria vary by type of day care facility (home or center) and by classes within day care centers. The primary criteria include:

- Minimum lot size,
- Street standard (how large a street must be present for each kind of day care facility),
- Landscape/buffer yards (there are not standards for Day Care Homes, only for Day Care Centers), and Parking spaces.

See chart at end of report for further detail on day care home and center standards.

Spacing Regulations -Additionally, all day care homes and day care centers are subject to spacing regulations. For day care homes and centers, no two day care facilities are allowed on the same or opposing block face. If the block face is greater than 1,000 ft, no two are allowed within 1,000 ft. of each other.

Proposed Text Amendment - The proposed text amendment would add rural bed and breakfast homestays, day care homes and day care centers to the list of land uses that must receive Metropolitan Council review by resolution before receiving public hearing at the BZA.

Council review would require passing a resolution approving the rural bed and breakfast, day care home or day care center at which time the applicant could proceed to the BZA for their Special Exception hearing. If the Council takes no action within 60 days of a resolution being filed, then the applicant could proceed to the BZA. If the Council disapproves the resolution, then the applicant for the rural bed and breakfast, day care home or day care center cannot proceed to the BZA and cannot open a homestay or day care facility.

Analysis - Rural Bed and Breakfast Homestays - In 2000, Metro Council passed a law requiring that “historic bed and breakfast homestays” receive Metropolitan Council resolution before proceeding to the BZA. When the proposed text amendment came before Metro Planning Commission, the Planning Department staff recommended disapproval and Commission voted to disapprove the text amendment.

Planning Department staff noted in 2000 and still recommends that due to the community-wide impact of certain uses, there are some Special Exception uses that *should* receive Council resolution before proceeding to BZA. Among the uses that currently must receive Council resolution are sanitary landfills, asphalt plants, waster transfer facilities, airport runways, hazardous operations, and wastewater treatment facilities. These uses involve either large land areas, have unique operating characteristics, or tend to dominate the area more intensely than do other land uses permitted in the same zoning district.

Staff argued in 2000, however, that historic bed and breakfast homestays should not be placed in this category because “*the operating characteristics of historic bed and breakfast homestays do not warrant an additional development review process.*” Staff added, “*historic bed and breakfast operation is located within an existing owner-occupied, single-family structure within a residential neighborhood. Therefore, it is not similar in its intensity or potential residential impact to those special exception uses currently required to be first approved by Council.*” This same argument applies today for rural bed and breakfast homestays.

Furthermore, staff is concerned about transforming the decision-making process by moving the decision on rural bed and breakfasts from the BZA to the legislative body. The BZA determines the appropriateness of a requested use based on pre-determined standards established by the Metro Council. Moving these decisions to the legislative body creates the potential for inconsistent application of unspecified standards.

Day Care Homes and Day Care Centers - The argument against moving the decision on special exceptions from the BZA to the Council is especially crucial in the case of day care homes and day care centers because day care homes and centers are crucial and currently under-supplied community services.

The text amendment would transform the decision-making process on a needed community service. It would move the decision from a quasi-judicial body that determines the appropriateness of the facility based on clearly-stated standards (the BZA) to the legislative body, making the decision a legislative decision with the potential for inconsistent application of unstated standards.

Metro Planning staff is concerned about both the change to the process and the resulting impact on the number and type of day care options for Nashville/ Davidson County.

Day care is unarguably a needed community service. In 1999, only 23 percent of all families with children younger than six had one parent working and one parent who stayed at home to provide child care. Home-based day care and day care provided in residential neighborhoods has been determined by the Tennessee Department of Human Services (DHS) to be in such demand that DHS makes special effort to encourage this type of care, which DHS refers to as "Family Homes" and "Group Homes:"

"Although the Department is facing an ongoing shortage of child care funds we have identified as an area of critical need the facilitation of Family Homes and Group Homes. Homes are able to provide parents with critically important options for child care that can often be more difficult or impossible to find in center-based care - including flexibility relating to affordable infant care, unusual work shifts, and special needs care. The Department anticipates that these needs will continue to grow."

- Anne Turner, Director of Licensing DHS

Providing adequate day care opportunities is both an issue for families, but it is also an issue crucial to the economic development of Nashville/Davidson County – both workers and employers need to know there is an adequate supply of day care options.

When a service rises to the level of a "community good," the provision of this good is best served by establishing reasonable and appropriate standards and placing the review of proposals in the purview of a quasi-judicial body like the BZA to ensure that the adopted standards are met and each applicant receives fair and equitable treatment.

Clearly, in neighborhoods, the residential neighbors have the right to expect that the day care facility will be a good neighbor. It is the role of the Metro Council to ensure appropriate standards are in place for the BZA to use when reviewing day care facility proposals. Staff recommends that these standards be revisited to ensure that the day care facility not only provides the best care for the children it serves, but is also a good neighbor.

Allowing a legislative veto of day care facilities, however, is not in the best interest of the community, the families seeking day care, or day care providers.

For families needing day care, a diminished supply in neighborhoods rules out day care choices – home-based day care and day care in neighborhoods – preferred by many parents.

For day care providers, additional barriers to providing day care, or expanding their current operations, can close their business or force day care "underground" where it is not regulated by Zoning Code or the Department of Human Services.

For the community as a whole, Nashville/Davidson County will appear less attractive to employers if it is believed to have an inadequate supply of day care openings for working parents.

Finally, from a land use planning perspective, a reduced supply of home-based day care means diminished flexibility in land use. Day care demand will fluctuate over time in any given neighborhood. This makes the use of homes as day care centers ideal, because the home can be used for day care and later transition into use as a home again, after the demand for day care declines. Meanwhile a reduced supply of neighborhood-based day care can potentially lead to increased traffic and congestion as families must drive further to take their children to day care.

Day care is a community good. The evaluation of the location of individual day care facilities should be correctly protected from inconsistent political decision-making. The BZA is the appropriate, quasi-judicial body to address the merits of the proposal.

The Planning Department is currently researching zoning regulations for day care facilities and can provide the Metro Council with appropriate standards which the BZA could use to balance the need for future day care facilities with appropriate neighborhood protection. The creation of these standards would, of course, involve input from Councilmembers, BZA members, day care providers, neighborhood leaders and the Department of Human Services.

RECOMMENDATION -Disapprove the addition of "rural bed and breakfast homestays," "day care homes" and "day care centers" to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the BZA.

Type	Minimum Lot Size	Street Standard	Buffer Yard Regulations	Parking Regulations	Signage Regulations	Noise Regulations
Day Care Home (DCH) 5 to 12 children	Lot size determined by zoning district (Metro Zoning Code Section 17.12.020)	Access on any street	Fenced play area	<u>Outside Urban Zoning Overlay (UZO)</u> 1 space + ___ spaces required depending on the principle use, <u>+ 2 spaces for patrons</u> 5 spaces for single-family home or 7 spaces for two-family home <u>Inside UZO</u> 1 space + ___ spaces required depending on the principle use, <u>+ 1 spaces for patrons</u> 4 spaces for single-family home or 6 spaces for two-family home	No signs allowed in residentially zoned districts.	General business/commercial noise regulations apply (11.12.070E).
Day Care Center Class I 13 to 25 children	.5 ac	Access on any street <u>except</u> minor local; Can be at intersection of minor local and collector/arterial	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard A" required. (Metro Zoning Code 17.24)	1 space for each 5 individuals served, up to 50 individuals	Same as Day Care Home	Same as Day Care Home
Day Care Center Class II 26 to 50 children	1 ac	At a minimum – access on a collector	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard B" required.	1 space for each 5 individuals served, up to 50 individuals	Same as Day Care Home	Same as Day Care Home
Day Care Center Class III 51 to 75 children	1.5 ac	Same as Class II	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard C" required.	10 spaces plus 1 space per 10 individuals served	Same as Day Care Home	Same as Day Care Home
Day Care Center Class IV (76 or more children) are not allowed within Agricultural or Residential districts.						

Ms. Carlat presented and stated that staff is recommending to disapprove the addition of “rural bed and breakfast homestays.” – “day care homes” and “day care centers” to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the Board of Zoning Appeals.

Mr. Bernhardt suggested that Metro Council revisit the standards that apply uniformly across the City for rural bed and breakfast homestays, as well as day care homes and centers.

Mr. Stewart Clifton recused himself from this discussion due to a potential conflict of interest.

Ms. Rhonda Laird, 5633 Stoneway Trail, spoke in opposition to the proposed text amendment.

Mr. John Stern, Chairman, Donelson/Hermitage Neighborhood Association, spoke in support of the text amendment. He submitted a letter to the Commissioners.

Councilmember Gotto spoke in support of the text amendment as he proposed to the Commission. He mentioned the various impacts that daycare centers or daycare homes have on residential neighborhoods. He stated that it is the responsibility of a Council member to represent the people of their communities, and with the current legislation, Council has no jurisdiction regarding daycare centers.

Mr. Ponder requested clarification on whether the Commission could approve the text change for the daycare homes or centers without approving the text change on rural bed and breakfasts.

Mr. Ponder explained that due to past experiences with daycare centers in his district, he could support the proposed text change.

Mr. Tyler requested clarification on the origin of this text amendment.

Ms. Cummings stated she was in support of the staff recommendation. She stated she has issues with the bed and breakfasts that impact communities.

Ms. Nielson agreed with the staff recommendation in that the code needs to be addressed rather than the processes.

Mr. Small stated he would be in favor of approving this text change amendment due to the fact that Metro Councilmembers represent communities and if there is an issue with daycare centers, this would allow community input.

Ms. Jones acknowledged the need for daycare centers near residential areas. She also acknowledged the impacts that commercial daycare centers have on residential areas. She stated she would support staff recommendation, but suggested that this issue be studied further.

Mr. Loring stated he supported the issue of allowing Councilmen jurisdiction on daycare centers.

Mr. Lawson expressed issues with approving the text change as submitted and how it could be affected by leadership changes in the future. He mentioned that standardized processes that are backed legislatively would produce a more consistent, uniform decision for a community. He stated he supports staff recommendation.

Mr. Ponder moved, and Mr. Loring seconded the motion, to approve the Council bill as presented.

This motion failed.

Ms. Nielson moved, and Ms. Cumming seconded the motion, to approve staff recommendation inclusive of a recommendation that the Planning Department and Metro Council consider revisions to the existing standards that are applied by the Board of Zoning Appeals for day care facilities. (6-3-1) No Votes – Loring, Ponder, Small Abstained Vote – Clifton

Resolution No. RS2005-284

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-093T is **DISAPPROVED (6-3)** including a recommendation that the Planning Department and Metro Council consider revisions to the existing standards that are applied by the Board of Zoning Appeals for day care facilities – (Commissioner Clifton recused himself from consideration of this item).

This proposed text amendment would add rural bed and breakfast homestays, day care homes and day care centers to the list of land uses that must receive Metropolitan Council review by resolution before receiving public hearing at the BZA. Transforming the decision-making process by moving the decision on rural bed and breakfasts from the BZA to the *legislative* body could lead to inconsistent application of inconsistent standards. The BZA currently determines the appropriateness of a requested use based on pre-determined standards established by the Metro Council. “Rural bed and breakfast homestays,” “day care homes” and “day care centers” should not be added to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the BZA.”

8. 2005Z-105T

Council Number BL2005-712

Mixed Use Bulk Standards and Buffer Yards along Public Alleys

A council bill to amend the Zoning Code to increase the permitted impervious surface ratio in mixed-use districts, to increase the permitted building height standards in mixed-use districts and adopted redevelopment districts, and to modify the buffer yard requirements along public alleys.

Staff Recommendation - *Approve with conditions, Disapprove if proposed footnote #4 and buffer yard exemptions are as submitted.*

APPLICANT REQUEST - Amend Zoning Code to permit an increased impervious surface ratio (ISR), an increased building height at the setback line for properties in mixed-use zoning districts and/or redevelopment districts, and to remove the need for a landscape buffer yard at the rear of properties abutting an alley.

ANALYSIS

Existing Law Table 17.12.020 C of the Zoning Code sets the minimum impervious surface ratios and building heights at the setback line for all office, commercial, shopping center, and industrial zoning districts. This table is often referred to as the “bulk standards table” as it regulates how tall and how big a building can be on a site. The “impervious surface ratio” sets the percentage of the property that may be covered with pavement or rooftops.

Proposed Text Change The proposed text amendment would not alter how the table displays the information. It would merely revise the name of one column, modify the measurement increment used for building height from “feet” to “stories” for certain zoning districts, modify the impervious surface ratio (ISR) for certain zoning districts, and remove the requirement for a buffer yard where a zoning district boundary falls along an alley. In addition, it proposes that in redevelopment districts, the designated design review authority be permitted to establish the maximum height of a building at the street setback. Such design review would typically be done by M.D.H.A., but, the Metro Planning Commission, or the Metro Historic Zoning Commission may also conduct such design review.

Table 17.12.020C -MIXED USE AND NON-RESIDENTIAL DISTRICTS:

- Change the title of the seventh column in the table to read "Max. height at setback line (in ft or stories)";
- Change the allowable maximum height at the setback line in the MUN and MUL districts to read "3 stories";
- Change the allowable maximum height at the setback line in the MUG and MUI districts to read "5 stories";
- Change the maximum ISR standard for the MUN district to .80;
- Add the following footnote to the table: "Note 4: For properties located within an adopted Redevelopment District an alternative standard for the maximum allowable building height at a setback line may be

established by the designated design review authority."

Buffer Yards-Amend Section 17.24.190, subsection B. to insert the words "... or alley" to the sentence.

Analysis

Bulk Standards The bulk standards table has been modified since the 1998 Zoning Code rewrite several times. As more infill development has occurred, problems with the current code have become evident. Most problematic has been the impervious surface ratio (ISR) and maximum building height at the setback line. In many instances, the Zoning Code permits a certain floor area ratio (FAR); however, it cannot be achieved reasonably due to the ISR and building height provisions. To ensure infill development continues, and the Zoning Code encourages such development in the future, **staff recommends approval of the proposed changes but also recommends that amendments to the proposed ordinance also should be considered.**

One of the perceived drawbacks to establishing height by number of stories is the potential unintended consequence of a building with the appropriate number of stories, yet a height that gives the perception of a building much taller. To address this concern, staff suggests that the ordinance be amended to establish for the affected districts a maximum number of stories to a maximum overall height.

In addition, the staff recommends that the ordinance be amended to further encourage infill development and in a manner that is commensurate with permitted intensity by allowing for increased height and ISR. The permitted FAR for MUG and MUI is 3.00 and 5.00 respectively. Due to the increased intensity permitted in MUI, staff recommends that the maximum height at the setback line be increased in this district. The permitted ISR for MUL is 0.80. Staff recommends that this factor be increased.

The alternative would be as follows:

- a. Change the title of the seventh column in the table to read "Max. height at setback line (in ft and/or stories)";
- b. Change the allowable maximum height at the setback line in the MUN and MUL districts to read "3 stories to a maximum of 45 ft.";
- c. Change the allowable maximum height at the setback line in the MUG districts to read "5 stories to a maximum of 75 ft.";
- d. Change the allowable maximum height at the setback line in the MUI districts to read "7 stories to a maximum of 105 ft.";

Redevelopment Districts The proposed ordinance includes a footnote #4 that would allow the "designated design review authority" to permit taller buildings at the building setback line in a redevelopment district is procedurally problematic. Essentially, this note is intended to override Section 17.40.180.B of the Zoning Code establishing the Board of Zoning Appeals (BZA) as the appropriate body to adjudicate variances to the Zoning Code.

Increasing the height of a building at the setback line above what the base zoning district permits is a variance. Permitting a body such as the M.D.H.A. Design Review Committee to make such decisions would eliminate the public deliberation process. While the BZA is required to hold a public hearing on all variance requests, M.D.H.A.'s Design Review Committee is not; the latter being an administrative working committee, the other a quasi-judicial body.

Currently, all variance requests are advertised in a newspaper of general circulation, a sign(s) is posted on the property every 300 feet of frontage along a public street, and notices are mailed to the district councilmember, neighborhood associations, and property owners within 300 feet of the subject property. If adopted, no such notice would be required as this footnote would not classify such an increase as a variance to the maximum building height.

Staff recognizes the need for flexibility in Redevelopment Districts to propose appropriate standards to meet the intent of the district. A more appropriate method of allowing this flexibility would be to establish standards or alternative standards within a proposed Redevelopment District plan or as an amendment to an existing plan that is adopted by the Metro Council. **Staff recommends changing the proposed footnote as follows:**

- e. Add the following footnote to the table: "Note 4: For properties located within an adopted Redevelopment District an alternative standard for the maximum allowable building height at a setback line may be

established as part of an adopted Redevelopment District plan."

Buffer Yards- The proposed change to eliminate buffer yards at the rear of properties abutting an alley may be appropriate in certain situations. Eliminating these buffer yards throughout the entire UZO in all situations, however, may not be appropriate. While alleys range in size from 10 to 20 feet, they do not provide a visual break between a commercial building on a major street and a residential home. Being at-grade, alleys cannot reduce the appearance or bulk of a commercial property.

Landscape buffer yards can soften the hard surfaces and angles of a building and parking lot, which are often associated with commercial development. As well, light and glare from a commercial property is reduced with canopy trees, understory trees, and shrubs located in a buffer yard. Particularly in urban settings where buildings are grouped tightly and parking is placed at the rear of the structure, landscape buffer yards provide visual relief for adjacent owners.

On the other hand, the elimination of buffer yards across alleys has positive consequences. For example, trees used in buffer yards that are counted toward meeting tree density requirements may be relocated to the sides and front of the property, providing a more visible canopy. Also, the elimination of buffer yards across alleys may increase the visibility of the alley itself. *Note:* The elimination of buffer yards across an alley does not reduce tree density requirement nor eliminate perimeter buffering requirements for parking lots.

In order to eliminate buffer yards across alleys where appropriate, **staff recommends changing the proposed standard as follows:**

Amend Section 17.24.190, by adding subsection D. as follows "When a zoning boundary falls along an alley in the urban zoning overlay district and uses on both sides of the alley are residential. In all other situations, a minimum B-5 buffer may be substituted for the required buffer."

The B-5 buffer yard standard would allow a 5-foot landscaped buffer with an opaque fence where the land use on both sides of the alley is not residential. If the land use on both sides of the alley is residential, then no buffer yard would be required.

Note: If the provision remains in the bill as is, the bill should be amended to clarify where "or alley" is to be inserted within the sentence. Presently, it only states the words are to be added to the sentence, but it doesn't state where in the sentence the words are to appear.

Staff Recommendation

1. Approve if amended to remove or change proposed footnote #4 and change the buffer requirements across alleys, both of which are described above.
2. Recommend the additional changes, proposed above, to the ISR and maximum building height at the setback line in the mixed-use districts to sustain and increase Nashville's infill development opportunities.

Approved, (10-0) *Consent Agenda*

Resolution No. RS2005-285

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-105T is **APPROVED. (10-0)**

This text amendment would change the Zoning Code to permit an increased impervious surface ratio (ISR) and increased building height at the setback line for properties in mixed-use zoning districts and/or redevelopment districts. The amendment would also change the landscaping requirement at the rear of properties that abut an alley; if the land use on both sides of the alley is residential, then no buffer yard would be required. This change would allow the trees from buffer yards to be relocated to the sides and front of the property, providing a more visible canopy. The Planning Commission recommended approval of the increase in the ISR, maximum building height at the setback line, and buffer yard requirements for several mixed-use districts in order to sustain and increase Nashville's infill development opportunities."

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9. **2005Z-114G-14**
Map 075-09, Parcel 270
Subarea 14 (2004)
District 11 - Feller Brown

A request to change from CL to CS district property located at 4648 Old Hickory Boulevard, approximately 1,500 feet north of Lebanon Pike (0.36 acres), requested by R. Leslie and Ginny C. Charnock, owners.

Staff Recommendation - *Disapprove*

APPLICANT REQUEST - Request to change 0.36 acres from commercial limited (CL) to commercial services (CS) district property located at 4648 Old Hickory Boulevard, approximately 1,500 feet north of Lebanon Pike.

Existing Zoning

CL district: Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Proposed Zoning

CS district: Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict - Yes. The proposed CS district allows a variety of commercial uses that are not consistent with the intent of the Community Center policy. These include liquor sales, automobile repair, automobile service (oil change), parking, vehicular sales, and a bar/nightclub uses.

Current use - This parcel currently has a boat dealership business on the site, and the owner seeks this zone change to allow an addition onto the existing building. Boat sales qualify as a "vehicular sales" use according to the Metro Zoning Ordinance, which is a use not allowed within CL zoning. Metro Codes advised the applicant that a zone change to CS would remove the conflict with the Metro Zoning Ordinance, and to enable the applicant to apply for a permit for the existing building and the proposed building expansion. **Staff recommends disapproval of this rezoning request because it conflict's with the land use policy in the adopted community plan.**

History The owner bought the property in 1999, when the zoning had already been changed from CS to CL with the 1998 Zoning Ordinance update. The owner was apparently sold the property with the understanding that the zoning was still CS. According to Metro Codes staff, the only permit issued in recent history on this property is a "boat accessory sales" use, which is considered a retail use and is permitted in the CL zoning district. The prior pool sales use on the property was also considered retail and also allowed in the CL district.

RECENT REZONINGS - None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - No Exception Taken.

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.36	0.172	2,697	82	11	82

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.36	0.198	3,105	92	12	83

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
--			+408	10	1	1

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	TotalFloor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(851)	0.36	0.2*	3,136	2315	211	165

***Adjusted as per use**

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(851)	0.36	0.*2	3,136	2315	211	165

Adjusted as per use

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+0	0	0	0

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

Mr. Les Charnock, 101 Rolling Mill Road, spoke in support of the zone change request and presented information to the commission.

Mr. John Stern, Donelson/Hermitage Neighborhood Association, spoke in support of the disapproval and submitted a letter to the Commission.

Ms. Ginny Charnock, 101 Rolling Mill Road, spoke in support of the proposal.

Mr. Loring spoke in favor of the zone change request due to its compatibility to the area.

Ms. Jones mentioned that subarea plans contain processes that are inclusive of an area and there can be times where the opportunity for growth or a change is appropriate.

Mr. Small spoke in favor of staff recommendation. He expressed issues with approving zone changes contrary to the subarea policies.

Ms. Nielson requested additional information on CL land uses in relation to the applicant's request.

Mr. McLean acknowledged the issue of approving this zone change request and the possibility of new ownership in the future.

Mr. Clifton spoke of the history on the comprehensive zoning ordinance that took place seven years ago. He questioned whether this property was rezoned to CL at that time.

Mr. Bernhardt explained that he was not sure if this property was zoned to CL at that time and offered different reasonings for its current zoning.

Mr. Clifton responded by stating that the Commission could have an exception to the rule if in fact this property was rezoned to CL under the comprehensive rezoning that took place.

Mr. Lawson expressed an issue with the idea of a special exception in relation to all other rezonings the Commission has considered.

Mr. Ponder spoke of an instance in which the BZA approved a very similar land use request to fit the request of the owner, while maintaining the land use policy for the area.

Mr. Ponder moved to approve based on the potential of action from another administrative board.

This motion was not seconded.

Mr. Bernhardt that in order for the BZA to approve a non-conforming use for this parcel, the non-conforming use needed to be present at the time the rezoning took place.

Mr. Ponder moved and Mr. Loring seconded the motion to defer Zone Change 2005Z-114G-14 to allow additional time to research the issue of non-conforming uses and to review other options available to the applicant.

Mr. Small spoke again on the appropriate land uses for this area.

The motion to defer for one meeting failed.

Mr. Small moved and the Chairman, Mr. Lawson, seconded the motion to disapprove zone change 2005Z-114G-14.

This motion failed.

Mr. Clifton moved, and Mr. McLean to approve zone change 2005Z-114G-14.

This motion failed.

Mr. McLean moved and Mr. Clifton seconded the motion, to send zone change 2005Z-114G-14 back to Council without a recommendation. **(8-2) No Votes – Small, Nielson**

Resolution No. RS2005-286

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-114G-14 is **VOTED ON TO MAKE NO RECOMMENDATION TO COUNCIL.** (8-2)

The proposed CS district allows a variety of commercial uses that are not consistent with the intent of the Donelson/Hermitage Community Plan’s Community Center policy. These include liquor sales, automobile repair, automobile service (oil change), parking, vehicular sales, and a bar/nightclub uses. This parcel currently has a boat dealership business on the site, which qualifies as a “vehicular sales” use according to the Metro Zoning Ordinance, which is not permitted within CL zoning. Metro Codes advised the applicant that a zone change to CS would remove the conflict with the Metro Zoning Ordinance, and to enable the applicant to apply for a permit for the existing use. The owner bought the property in 1999, when the zoning had already been changed from CS to CL with the 1998 Zoning Ordinance update. According to Metro Codes staff, the only permit issued in recent history on this property is a "boat accessory sales" use, which is considered a retail use and is permitted in the CL zoning district. Because of the uncertain zoning history on this property, the Commission voted to make no recommendation to the Metro Council on the zoning application.”

Mr. Small left the meeting at 6:00 p.m.

- 10. 2004NL-028U-10**
Map 118-09, Parcel 015
Subarea 10 (1994)
District 25 - Jim Shulman

A request for development plan approval for a Neighborhood Landmark Overlay, located at 1100 Clifton Lane, approximately 700 feet east of Granny White Pike (0.72 acres), requested by Catherine Snow and Douglas Knight, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Request for development plan approval for a Neighborhood Landmark Overlay, located at 1100 Clifton Lane, approximately 700 feet east of Granny White Pike.

Existing 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.

Neighborhood Landmark Overlay District (NLOD) - The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. The Metro Council approved the Overlay District in May 2005. After the overlay is adopted, the Planning Commission subsequently must approve a Neighborhood Landmark Development plan. The site plan addresses site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

PLAN DETAILS - The structure at 1100 Clifton Lane is a Queen Anne style home that was built in the late 19th century. It was the first house added to the original Noel plantation, and was reportedly constructed by a New Orleans banker as a summer home.

Proposed Use - There is an original carriage house at the rear of the property that is being proposed by the applicant to allow overnight accommodations for guests, as well as special events such as receptions. This use would be classified as a Bed and Breakfast use under the Zoning Ordinance.

Mass and Scale - There are no proposed changes to building footprints. The porch and turret on the main house will be restored. A chimney and storage structure will be added to the carriage house. Privacy fencing will be added along the side and rear property lines. Victorian style-fencing will be added adjacent to the street.

Parking-Parking is available for 4 to 5 cars at the rear of the property. Parking for special events requiring more space will be via valet off-site.

Lighting The carriage house lighting at the front, side and a corner floodlight light the entrance. The adjacent gazebo is also lighted. A small lighted sign will be added by the driveway, setback from the street.

Landscaping - The property features many old trees that will remain.

CONDITIONS

1. The Planning Commission must approve any future change in use or change in site plan.
2. Signage shall be externally lit.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-287

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004NL-028U-10 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. The Planning Commission must approve any future change in use or change in site plan.
2. Signage shall be externally lit.

X. PRELIMINARY SUBDIVISION PLATS

- 11. 2005S-135U-10**
Belmont Park Condos., Ph 1, Sec 1, Lot 2
Map 131-03, Parcel 217
Subarea 10 (1994)
District 25 - Jim Shulman

A request for preliminary plan approval to create 2 lots abutting the east side of Belmont Park Terrace, approximately 200 feet south of Shakleford Road, with a variance request for a 20' wide joint access and public utility easement, (0.90 acres), classified within the R10 District, requested by Vossland Development, LLC, owner, John Kohl, surveyor.

Staff Recommendation -*Approve with conditions, including that one of the lots be limited to single-family dwellings only.*

APPLICANT REQUEST

Final Plat -Request to create 2 duplex-lots on 0.90 acres on the east side of Belmont Park Terrace, approximately 200 feet south of Shackleford 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. However, since this lot was created before 1984, duplexes are permitted on both lots under the Code if subdivided.

SUBDIVISION DETAILS

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 test was conducted and both lots pass for lot area. The required lot area was determined to be 15,028 square feet, while the required lot frontage is 85 feet. The lots are proposed for 19,636 square feet each. Lot 2 fails comparability for frontage because there is no frontage proposed.

Road Frontage - Section 2-4.2.A-As proposed, lot 2 has no road frontage. The Subdivision Regulations require each lot to have frontage on a public street. The applicant has requested a variance from this requirement since lot 2 is proposed to be located behind lot 1 and accessed with a private driveway along the northern side of the property. The applicant has stated that without this variance the property would not be able to be developed.

Surrounding Development -There is not a consistent pattern of development in the area of this request. The abutting property to the south contains 6 condo units on a similar sized property. This development is known as Jamestown Green. In 1984, a plat was approved to create 3 lots with a private access easement since two of the lots did not have road frontage. Duplex units were then built on each lot. The other properties in the area are mostly single-family.

Abutting the property to the rear is the developing Oxford Hills cluster-lot subdivision approved with a density of 3.95 dwelling units per acre, including 2 duplexes.

The area is largely developed with 1/4 to 1/3 acre lots with the exception of Arden Place, a condominium development with 260 units on 22.9 acres (roughly 11 dwelling units per acre).

Green Hills – Midtown Community Plan Policy -The recently adopted policy for this area is Residential Low Medium (RLM). It is in a special policy area under the following provisions:

1. Development within this area should be limited to one and two-family dwellings.
2. The intensity of future infill should be comparable to that of the recent single-family developments.
3. And redevelopment should incorporate design feature that create a quality public realm, especially sidewalks, and cohesive placement and appearance of buildings.

Sidewalks -Sidewalks are required since the property is located within the Urban Services District, and they are shown on the plat.

STAFF RECOMMENDATION -Staff recommends that the Commission approve an exception to lot comparability for this application with the condition that the development is for 3 units only (one duplex lot, one single-family lot). The density for three units is within the adopted RLM policy, at 3.03 dwelling units per acre. The proposed plat includes 2 duplex lots which would exceed the maximum RLM policy of 4 dwelling units per acre (4.44 dwelling units per acre).

There is enough diversity in the development pattern of the area to justify approving a lot without frontage. This development must gain access, however, from the existing Jamestown Green development driveway to create a cohesive design to blend with the existing development pattern and reduce the number of driveway access points on Belmont Park Terrace.

PUBLIC WORKS RECOMMENDATION -No Exception Taken.

STORMWATER RECOMMENDATION

The following items need to be revised:

1. For the bearing reference, a locating reference is needed. This may be either a recording number, date or project number.

2. The preliminary note needs to be added, "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.
3. Add existing contours- at least 5' intervals.

CONDITIONS

1. Access to the property must be consolidated with the private drive for Jamestown Green Court so that only one drive enters Belmont Park Terrace.
2. The setback for lot 1 must be 85 feet to maintain the existing setback pattern of the street.
3. The number of dwelling units must be capped at 3 to meet the RLM policy of 2-4 dwelling units per acre.

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

Mr. Shawn Henry, 315 Deadrick St., spoke in support of the proposed development.

Ms. Wilma Boylin, 1609 Shackelford Road, spoke in opposition to the proposal.

Councilmember Shulman stated that the neighbors were basically in favor of staff's recommendation on this proposal in that it reduces the number of units and requires the approval of the residents for access points.

Ms. Nielson requested further clarification on the staff recommendation.

Mr. Bernhardt explained staff's recommendation on this subdivision including the total number of units recommended as well as access points for the units.

A brief discussion ensued regarding the applicant's request and the staff's recommendation for this subdivision.

Mr. McLean expressed issues with the staff recommendation in that it requires the approval of the residents who are not in favor of the proposed development.

Mr. Clifton spoke in favor of the staff recommendation in that it limits the number of units, although, he was not in favor of staff's recommendation regarding the access points for this property.

Ms. Cummings spoke in favor of the developers utilizing existing driveways to access this development.

Mr. Tyler spoke in opposition to the double lot subdivision. He requested additional information regarding staff's recommendation on this subdivision.

Mr. Kleinfelter explained the staff recommendation.

Mr. Lawson expressed an issue on setting precedents for this area.

Ms. Nielson spoke of the orientation of the proposed new homes in relation to the existing homes in the area.

Mr. Ponder expressed issues with the two lot subdivision.

Ms. Jones also expressed issues with the subdivision of this lot.

Mr. Loring spoke in favor of the existing curb cut that would allow the existing driveway to be utilized.

Mr. Clifton expressed concerns with the use of a private street included in the proposal.

Mr. Loring moved and Mr. Ponder seconded the motion to approve preliminary subdivision plat 2005S-135U-10 which allows the subdivision into two lots, but requiring a single-family oriented to Belmont Park Terrace and allowing a duplex on the rear lot facing Jamestown Green Court, with access to be provided for both lots by the existing drive. **(8-1) No Vote – Tyler**

Resolution No. RS2005-288

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-135U-10 is **APPROVED WITH CONDITIONS (8-1), allowing the subdivision into two lots, but requiring a single-family oriented to Belmont Park Terrace and allowing a duplex on the rear lot facing Jamestown Green Court, with access to be provided for both lots by the existing drive.**

Conditions of Approval:

1. Access to the property must be consolidated with the private drive for Jamestown Green Court so that only one drive enters Belmont Park Terrace.
2. The setback for lot 1 must be 85 feet to maintain the existing setback pattern of the street.
3. The number of dwelling units must be capped at 3 to meet the RLM policy of 2-4 dwelling units per acre.”

12. 2005S-222G-14

The Meadows at Seven Points, Ph 5
Map 098, Parcel 166
Subarea 14 (2004)
District 12 Jim Gotto

A request for preliminary plat approval to create a 45 lot cluster lot subdivision located on the west side of Earhart Road, approximately 150 feet north of Hessey Road (24 acres), classified within the RS15 District, requested by Paul R. Odom, owner, Weatherford & Associates, surveyor.

Ms. Harris presented and stated that staff is recommending approval with conditions. She mentioned that condition #3 that was listed in the staff report should be removed.

Mr. Frank Batson, 120 Donelson Pike, spoke in support of the proposal.

Mr. Paul Weatherford, 1301 Central Court, spoke in support of the proposal.

Mr. Jeff Jennings, 1312 Fishers Meadows Cove, spoke in opposition to the proposal.

Ms. Danielle Graves, 3403 Earhart Road, spoke in opposition to the proposal.

Ms. Rene Lopez, 808 Seven Points Cove, spoke in opposition to the proposal.

Mr. Shawn Clare, 1800 Kaylee Meadow Lane, spoke in opposition to the proposal.

Councilmember Gotto explained that several members of this community are opposed to the proposal due to its connectivity. He suggested that this proposal be deferred to allow additional time for staff members to work with the developers to study alternative connectivity options.

Mr. Ponder suggested a placement of a security gate.

Mr. Bernhardt explained that a security gate could not be placed on a public street.

Mr. Clifton spoke in favor of utilizing connectivity in the development of subdivisions.

Mr. McLean spoke in favor of deferring the proposal to work out connectivity issues.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously, to defer preliminary subdivision plat 2005S-222G-14 to August 25, 2005 to allow additional time for staff members to work with the Councilmember to investigate connectivity alternatives for the proposal. **(9-0)**

Ms. Jones expressed issues with deferring the proposal in that a resolution may not be obtained.

Mr. Loring spoke in favor of the proposal and was in favor of deferring as requested by Councilmember Gotto.

Resolution No. RS2005-289

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-222G-14 is DEFERRED TO THE AUGUST 25, 2005 PLANNING COMMISSION MEETING. (10-0)”

13. 2005S-199U-13

Hobbs Subdivision, Second Rev. of Resub of Lots 1-4
Map 107, Parcels 076, 077, 152, 153
Map 107-06, Parcels 006, 013
Subarea 13 (2003)
District 13 - Carl Burch

A request for preliminary plat approval to create five lots located at the southwest corner of I-40 East and Briley Parkway South (12.88 acres), classified within the CS District, requested by Aspen Tennessee, LLC, owner, Littlejohn Engineering Associates, surveyor.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST -Preliminary Plat

Request for Preliminary Plat approval to consolidate six parcels into five lots along the southwest side of Briley Parkway and north side of Dabbs Avenue (12.88 acres).

ZONING

CS district -Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses

SUBDIVISION DETAILS

Plan Details-This subdivision proposes the consolidation of six existing parcels and the resubdivision of this property into five lots, lot 1 (5.94 acres), lot 2 (2.0 acres), lot 3 (1.89 acres), lot 4 (2.43 acres), and lot 5 (0.62 acres). Lots 1, 4 and 5 have frontage on Dabbs Avenue but will not have access on this street, while Lots 2 and 3 will have principal access off of a proposed 25 foot access easement. There is a proposed private drive for ingress from Karen Drive across lot 5, and a proposed private drive for egress across what is currently designated as TDOT right-of-way, connecting to Dabbs Avenue.

Coordinating access with TDOT-With the reconstruction of the Briley Parkway interchange, TDOT removed a prior access point to these properties. This prompted a series of discussions between the applicant and TDOT for establishing new access points. TDOT required that there be no exit onto Karen Drive, which resulted in the proposed egress drive onto Dabbs Avenue.

In addition to discussing the main ingress and egress points for these properties, the applicant and TDOT have also tentatively agreed upon a 30’-50’ joint access easement that is proposed to run parallel to Briley Parkway and connect to the ingress/egress drives. This preliminary plat shows this easement, but the details of it must be finalized prior to final platting of this property.

Sidewalk requirement -This property is in the Urban Services District. As this is a preliminary plat, a sidewalk note has been added that indicates that sidewalk requirements are to be determined at the building permit stage.

TRAFFIC/PUBLIC WORKS' RECOMMENDATIONS

Public Works:

1. No Exception Taken – A TIS may be required at development.

STORMWATER DEPARTMENT RECOMMENDATIONS -Approved 7/29/05.

CONDITIONS OF APPROVAL:

1. Prior to final plat approval of this property, the applicant (property owner) and TDOT must agree on the exact surveyed property boundary that runs parallel to Briley Parkway.
2. Prior to final plat approval of this property, the applicant (property owner) and TDOT must come to an agreement on the precise specifications of the main ingress and egress points for these properties, including the resolution of the egress drive across existing TDOT right-of-way. The applicant and TDOT must also finalize the details of the 30'-50' joint access easement proposed to run parallel to Briley Parkway and connect to the ingress/egress drives.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-290

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-199U-13 is APPROVED WITH CONDITIONS. (10-0)

Conditions of Approval:

1. Prior to final plat approval of this property, the applicant (property owner) and TDOT must agree on the exact surveyed property boundary that runs parallel to Briley Parkway.
2. Prior to final plat approval of this property, the applicant (property owner) and TDOT must come to an agreement on the precise specifications of the main ingress and egress points for these properties, including the resolution of the egress drive across existing TDOT right-of-way. The applicant and TDOT must also finalize the details of the 30'-50' joint access easement proposed to run parallel to Briley Parkway and connect to the ingress/egress drives.”

XI. FINAL PLATS

14. 2005S-220U-12

Lake Providence Missionary Baptist Church, Resubdivision of Lot 2
Map 147-07, Parcel 208
Subarea 12 (2004)
District 30 - Michael Kerstetter

A request for final plat approval to create five lots located on the south side of Alice Avenue at the east terminus of Higgins Street, (0.78 acres), classified within the R6 District, requested by Meridian Construction Co., LLC, owner/developer, John Franklin, surveyor.

Staff Recommendation - *Approve with conditions, but disapprove sidewalk variance. The applicant has indicated that a financial contribution will be made in lieu of construction of the sidewalks.*

APPLICANT REQUEST

Final Plat - Request for final plat approval to create five single-family lots on 0.78 acres on the south side of Alice Avenue at the east end of Higgins Street.

ZONING

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. The plat does not designate any lots for duplexes.

SUBDIVISION DETAILS

Access/Street Connectivity -Four lots are proposed off of Alice Avenue with one lot off of Higgins Street. The entrance into Alice Avenue is substandard and may require some upgrading.

Sidewalk Variance -Sidewalks are required and proposed along Alice Avenue, however, the applicant has requested a sidewalk variance for lot 5 along Higgins Street.

Staff recommends disapproval of the sidewalk variance request. The applicant has the option of constructing the sidewalk or making a financial contribution in lieu of constructing the sidewalk, which is appropriate for this area. The applicant has indicated that a financial contribution will be made into the Metro Sidewalk Fund in lieu of construction of the sidewalks since the linear footage of frontage along Higgins is only 15 feet.

STORMWATER’S RECOMMENDATION - Approve

PUBLIC WORKS’ RECOMMENDATION - The developer is required to repair the grade problems at Alice Avenue and Nolensville Road where cars are dragging entering and exiting Alice Avenue.

CONDITIONS

1. 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. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works’ review and approval of construction plans, including repair to the grade problems at Alice Avenue and Nolensville Road.
3. Prior to recordation, the contour lines are to be removed from the final plat.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-291

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-220U-12 is **APPROVED WITH CONDITIONS (10-0), including that a sidewalk variance is no longer required.**

Conditions of Approval:

1. 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. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works’ review and approval of construction plans, including repair to the grade problems at Alice Avenue and Nolensville Road.
3. Prior to recordation, the contour lines are to be removed from the final plat.”

-
- 15. 2005S-221G-13**
Leslie Cappama Sub - Resubdivision Lot 1 & 2
Map 164, Parcel 052, 255, 292
Subarea 13 (2003)
District 33 - Tommy Bradley

A request for final plat approval to create four lots on the northeast corner of Hamilton Church Road and Hobson Pike (12.99 acres), classified within the RS10 and MUL Districts, requested by Chun Ok Song, owner, Dale & Associates, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-221G-13 to September 8, 2005 at the request of the applicant. (10-0)

- 16. 2005S-226G-13**
Center for Business and Technology
Map183, Parcel 100
Subarea 13 (2003)
District 32 - Sam Coleman

A request for final plat approval to create three lots on the west side of Heil Quaker Boulevard, approximately 450 feet south of Corporate Place (8.59 acres), classified within the IR district, requested by Center for Business and Technology, Inc., owner, Littlejohn Engineering Associates, surveyor/engineer.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST -Final Plat

Request to create 3 lots on 8.59 acres on the west side of Heil Quaker Boulevard, approximately 450 feet south of Corporate Place.

ZONING

IR District -Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

SUBDIVISION DETAILS

Access/Street Connectivity Access is proposed from Heil Quaker Boulevard with a joint access easement proposed for all three lots.

Sidewalks -Sidewalks are to be determined with the issuance of any building permits and are not required to be shown on this plat.

STORMWATER'S RECOMMENDATION -Approve.

PUBLIC WORKS' RECOMMENDATION -Align access easement with opposite drive.

CONDITIONS

1. 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. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works' review and approval of construction plans.

3. Prior to recordation, performance bonds for public infrastructure are to be posted.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-292

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-226G-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. 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. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works’ review and approval of construction plans.
3. Prior to recordation, performance bonds for public infrastructure are to be posted.”

17. **2005S-260G-07**
Woods Of West Meade - Critical Lot #18
Map 115-09-A, Parcel 018
Subarea 6 (2003)
District 23 - Chris Whitson

A request for critical lot approval with a variance request for driveway slope of 20%, on one lot located on the east side of Saussy Court, approximately 1,000 feet west of Rodney Drive, classified within the R40 Planned Unit Development District, requested by Jonathan and Ashley Bennett, owners, Southern Land Surveyors, surveyor.

Staff Recommendation *Disapprove.*

APPLICANT REQUEST -Critical Lot Plan

A request for approval of a driveway slope greater than 10% on a critical lot, located on the east side of Saussy Court, approximately 1,000 feet west of Rodney Drive.

ZONING

R40 District with PUD overlay -R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.09 dwelling units per acre. The Woods of West Meade (formerly Saussy Place) Planned Unit Development was given final approval in 2001 to permit 24 single-family lots.

SUBDIVISION DETAILS

Critical Lot Plan -This property is identified as a critical lot on the final plat for Woods of West Meade, 2002S-169G-06, approved by the Metro Planning Commission on October 27, 2003.

Metro Subdivision Regulations -Per the Metro Subdivision Regulations, Appendix C, a critical lot plan must demonstrate the intent to minimize the lot area subject to grading, the cut/fill required to prepare the lot for construction, and the effectiveness of the plan to preserve the natural features of the lot. A critical lot plan must also include the specified and illustrated methods of stabilization of slopes greater than 33% and methods of managing storm water runoff.

Driveway Slope -Per Appendix C of the Metro Subdivision Regulations, driveway slopes on critical lots should be designed with a 10% grade or less. The applicant is proposing a driveway slope with a 20% grade, and an approximate average grade of 16%. The Metro Public Works Department has indicated that a 10% driveway slope is needed as a transition between the street grade, allowing a vehicle to travel without bottoming out, and to avoid safety issues getting from the street to the home.

The Woods of West Meade contains a total of 24 lots, all of which are critical. Four of the 24 lots had critical lot plans submitted and approved by the Metro Planning Department in 2004 and 2005. Lots 1, 14, 19, and 24 were reviewed by Metro Planning staff and contained driveway slopes between 5%-15%. These plans were approved prior to the Executive Director's decision to submit plans with slopes greater than 12% to the Metro Planning Commission for review and approval.

This case is being presented to the Commission because the driveway slope is twice the suggested 10% of the Metro Subdivision Regulations, and the existing grades will be steepened by further grading to accommodate a basement level, two-car garage.

Engineering Report -The applicant provided copies of a letter from the engineer explaining how the driveway slope and turn-around space are believed to be adequate for the homeowner and any emergency vehicles. The letter has been reviewed by staff.

Planning Staff Recommendation -Staff recommends disapproval of this critical lot plan. The proposed 20% driveway slope is twice the preferred 10% slope. The applicant is steepening the grade of the lot by attempting to access a basement level garage with a driveway. Staff has requested that the engineer work with the grade to reduce its severity, and the revised plan retains the 20% grade.

The critical lot standards in appendix C of the Subdivision Regulations state: "It is emphasized that a typical house design may not be suitable for a critical lot. Critical lots usually require a specific design for a lot." It does not appear that the plan submitted includes a house that has been specifically designed for this lot, as is required by the critical lot standards.

With 20 more critical lots remaining to be built in The Woods of West Meade, a precedent could be established by approving lots with twice the recommended 10% slope.

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

Mr. Jonathan Bennett, 106 Stoneway Close, spoke in support of the proposed critical lot approval.

Ms. Nielson requested additional information on the garage levels included in the proposal.

Ms. Hammond explained that the finished floor of the habitable portion of the house is at a level above the finished floor of the first garage and that essentially there are two levels included in the plan.

Ms. Jones requested clarification on whether the facts mentioned by Ms. Hammond would change staff's recommendation.

Ms. Thompson stated that based on the driveway slope included in the plan, staff's recommendation would remain at disapproving.

Mr. McLean requested additional information on the finished floor elevation of the living area that is below the street.

Mr. McLean explained various aspects of the proposal that would warrant its approval.

Mr. McLean moved and Mr. Loring seconded the motion, to approve critical lot 2005S-260G-07 and allow the issuance of a building permit. **(8-1) No Vote – Clifton**

Mr. Kleinfelter explained that the subdivision rules regulate that driveway slopes should not exceed ten percent and there may be a need to review these regulations.

Mr. Tyler requested clarification on how the slope calculation was obtained.

There was a brief discussion among Commission members regarding basement lots and driveway slopes.

Mr. Clifton spoke of the subdivision regulations that specifically dictate driveway slopes.

Resolution No. RS2005-293

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-260G-07 is **APPROVED CRITICAL LOT PLAN as submitted. (9-1)**”

XII. PLANNED UNIT DEVELOPMENTS (revisions)

18. 122-82-U-12

Grassmere Business Park, Section 1 (Talcott Office)
Map 132, Parcel 12
Subarea 12 (2004)
District 26 - Greg Adkins

A request for final approval for a phase of the Commercial Planned Unit Development District located on the east side of Trousdale Drive, abutting Elysian Fields Road, classified within the R10 district, (2.52 acres), to permit the development of a 30,329 square foot office building, requested by Civil Site Design Group, applicant, for Talcott III Grassmere Limited Partnership, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST -Final PUD

Request for final approval for a phase of the Commercial Planned Unit Development district to permit the development of a 30,329 square foot office building on 2.52 acres, located on the east side of Trousdale Drive, abutting Elysian Fields Road.

PLAN DETAILS - The plan proposes an office building located abutting Trousdale Drive with parking located behind. The site is accessed by internal driveways shared with the adjacent Greater Nashville Association of Realtors Building. An existing 70-foot wide landscape buffer along Elysian Fields Road will be maintained, as was previously required, to screen the office building from the residential properties on the opposite side of the road.

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

Show and dimension right of way along Elysian Fields Road at property corners. Label and dedicate right of way 30 feet from pavement centerline, consistent with the approved major street / collector plan.

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

1. The EPSC note needs to be signed.
2. Provide 2 copies of the Notice of Coverage (NOC) from TDEC.
3. Provide erosion and sedimentation control measures around the existing and proposed inlets/catch basins to prevent sediment from entering them during construction.
4. The Hydraflow storm calculations need to be revised; a. Line A3 - A2 has 0.00 intensity and 0.00 incremental flow; runoff for that segment plus the runoff from the upstream segment;c. The flows on the Summary Report don't match the flows on the Line A Report.
5. Include routing for the 100 yr. Event. If water quality/detention structures aren't sufficient to handle these flows, indicate how and where the runoff will be bypassed.
6. The hydrograph report contains more hydrographs than sub-basins. The peak discharges from the hydrographs don't match the discharges listed in the summary table. Areas in models don't match description in detention summary write-up. Clarification required.

7. Provide an As-Built note on the plans as follows: q. As-builts are required for underground detention and water quality structures prior to issuance of the U&O Permit. Certification must include, at a minimum, the following information: Manufacturer and model number of the unit; sales receipt; attached shop drawings of installed unit; date of field inspection by Engineer (before backfilling structure); engineer stamp and date.
8. Provide a signed Stormwater Detention Agreement.
9. Provide location of easement on plans for the water quality and detention structures along with a dedication of easement for the detention and water quality device.
10. Provide calculations and drainage map/area verifying the capacity of the next 2 downstream structures. The results of the calculations were provided. The calculations supporting these results are needed.
11. Provide 3 sets of final design plans

FIRE MARSHAL - Fire Hydrants should flow at least 1,000 gallons per minute at 40 psi.

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.
7. Approvals are subject to Public Works' review and approval of construction plans.
8. Show and dimension right of way along Elysian Fields Road at property corners. Label and dedicate right of way 30 feet from pavement centerline, consistent with the approved major street / collector plan.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-294

“BE IT RESOLVED by The Metropolitan Planning Commission that 122-82-U-12 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. The EPSC note needs to be signed.

2. Provide 2 copies of the Notice of Coverage (NOC) from TDEC.
3. Provide erosion and sedimentation control measures around the existing and proposed inlets/catch basins to prevent sediment from entering them during construction.
4. The Hydraflow storm calculations need to be revised; a. Line A3 - A2 has 0.00 intensity and 0.00 incremental flow; runoff for that segment plus the runoff from the upstream segment;c. The flows on the Summary Report don't match the flows on the Line A Report.
5. Include routing for the 100 yr. Event. If water quality/detention structures aren't sufficient to handle these flows, indicate how and where the runoff will be bypassed.
6. The hydrograph report contains more hydrographs than sub-basins. The peak discharges from the hydrographs don't match the discharges listed in the summary table. Areas in models don't match description in detention summary write-up. Clarification required.
7. Provide an As-Built note on the plans as follows: q. As-builts are required for underground detention and water quality structures prior to issuance of the U&O Permit. Certification must include, at a minimum, the following information: Manufacturer and model number of the unit; sales receipt; attached shop drawings of installed unit; date of field inspection by Engineer (before backfilling structure); engineer stamp and date.
8. Provide a signed Stormwater Detention Agreement.
9. Provide location of easement on plans for the water quality and detention structures along with a dedication of easement for the detention and water quality device.
10. Provide calculations and drainage map/area verifying the capacity of the next 2 downstream structures. The results of the calculations were provided. The calculations supporting these results are needed.
11. Provide 3 sets of final design plans
12. Fire Hydrants should flow at least 1,000 gallons per minute at 40 psi.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. Approvals are subject to Public Works' review and approval of construction plans.
20. Show and dimension right of way along Elysian Fields Road at property corners. Label and dedicate right of way 30 feet from pavement centerline, consistent with the approved major street / collector plan.”

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- 19. 62-87-P-06**
Summit Oaks, Phase 4
Map 128, Parcel 76
Subarea 6 (2003)
District 22 - Eric Crafton

A request to revise a portion of the Preliminary plan and for final approval for a phase of the Residential Planned Unit Development district located along the west side of Old Hickory Boulevard, at Summit Oaks Drive, classified RS20, (13.83 acres), to permit 27 single-family lots, requested by Barge Waggoner Sumner and Cannon, for the Greater Middle Tennessee Development Partnership, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary and Final PUD

Request to revise a portion of the preliminary plan and for final approval for a phase of a Residential Planned Unit Development, to permit the development of 27 single-family lots.

PLAN DETAILS - This is Phase Four of a multi-phased residential Planned Unit Development for 27 single-family lots. The current proposal is consistent with the preliminary with the exception that the right-of-way is 46 feet instead of 42 feet as was approved with the previous revision to the preliminary. This change was required to meet current roadway standards.

The site is in an area with slopes of 20 percent or greater, and all lots are denoted as critical lots. Critical lots are lots where typical house designs may not be suitable, and house plans should be specifically designed for each individual lot.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION

Approve with the following conditions:

1. Add FEMA panel numbers to plans.
2. Add As-Built Note for water quality device.
3. Identify buffer for the 40-acre drain, and show that no work is being preformed within the buffer (25 Ft. from top of bank on both sides).
4. Change HDPE pipe to either CMP or RCP.
5. The wall / flume need to be in an easement or open space / drainage easement.

CONDITIONS

1. Add FEMA panel numbers to plans.
2. Add As-Built Note for water quality device.
3. Identify buffer for the 40-acre drain, and show that no work is being preformed within the buffer (25 Ft. from top of bank on both sides).

4. Change HDPE pipe to either CMP or RCP.
5. The wall / flume need to be in an easement or open space / drainage easement.
6. 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.
7. 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.
8. 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. The required turnaround may be up to 100 feet diameter.
9. 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.
10. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
11. 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, **(10-0) Consent Agenda**

Resolution No. RS2005-295

“BE IT RESOLVED by The Metropolitan Planning Commission that 62-87-P-06 is **APPROVED WITH CONDITIONS (10-0), including additional critical lot plans requirements: (1) Critical lots plans will be required to look at the potential impact to adjoining lots. The plan will require at least 25 feet of each adjoining lot be shown and indicated how that lot will not be impacted by the design of the house, drive, patio or decks. (2) The Developer will be required to review each critical lot plan prior to its submittal to the Planning Commission Staff.**

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- 20. 88P-038G-13**
 Long Hunter Chase, Phase 3, Section 3
 Map151, Parcel 17, 20, 22, 81, 78, 95, 97
 Subarea 13 (2003)
 District 33 - Tommy Bradley

A request to revise a portion of the final plan for the Residential Planned Unit Development district located between Hobson Pike and Mt. View Road, classified RS15, to delete condition #1 of the previous final PUD approval stating: "The remaining unfinished portion (approx. 1,000 linear feet) of Smith Springs Parkway shall be completed and open to vehicular traffic prior to the recording of any final plat for this PUD subdivision, or the appropriate performance bond shall be posted with the Metro Planning Department for a bonding period not to exceed 6 months," requested by John Coleman Hayes Development Company, Inc.

XIII. OTHER BUSINESS

21. Employee Contract for Joni Priest

Approved, (10-0) *Consent Agenda*

22. Amendment to Contract L-1075 for the Southeast Corridor Transit Alternatives Study to revise Task 8 to include an On-Board survey.

Approved, (10-0) *Consent Agenda*

23. Amendment to the funding grant for contract L-1075 with TDOT, Office of Public Transportation to obtain additional funding for the revision to Task 8.

Approved, (10-0) *Consent Agenda*

24. Letter of inter-departmental agreement between the Metropolitan Transit Authority (MTA) and the Metropolitan Planning Commission on behalf of the Metropolitan Planning Organization (MPO) to provide match funding for the above referenced grant with TDOT.

Approved, (10-0) *Consent Agenda*

25. Executive Director Reports

26. Legislative Update

XIII. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Chairman

Secretary



Equal Employment Opportunity Employer

The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 730 Second Avenue South, Nashville, TN 37201, (615)862-7150. **Title VI inquires should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **All employment related inquiries should be forwarded to Metro Human Resources: [Delaine Linville](#) at (615)862-6640**