



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission  
December 8, 2005  
\*\*\*\*\*  
2:00 PM  
Howard School Auditorium, 700 Second Ave., South**

**PLANNING COMMISSION:**

Jim Lawson, Chair  
Doug Small, Vice Chairman  
Stewart Clifton  
Tonya Jones  
Ann Nielson  
Victor Tyler  
J.B. Loring  
James McLean  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Director  
Brooks Fox, Legal Counsel  
Margaret Holleman, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Bob Leeman, Planner III  
Kathryn Fuller, Planner III  
Trish Brooks, Admin. Svcs. Officer 3  
Luis Pereira, Planner I  
Jason Swaggart, Planner I  
Adriane Harris, Planner II  
Jennifer Carlat, Communications Officer  
Cynthia Wood, Planner III  
Tim Walker, Metro Historical Commission

**Commission Members Absent:**

Judy Cummings

**I. CALL TO ORDER**

The meeting was called to order at 2:05 p.m.

**II. ADOPTION OF AGENDA**

Ms. Hammond announced there were corrections to be made to the agenda. She stated that Item #47 – Affirm new Department procedures for signs and notices, and Item #48 – Approve amendment to Planning Commission rules, should be added to the agenda. The Commissioners had been notified by mail of the proposed new rules as required by Rule X of the Planning Commission’s Rules and Procedures. The addition of these two items would then cause the Executive Director Report and the Legislative Report to be renumbered, respectively.

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

**III. APPROVAL OF NOVEMBER 10, 2005 MINUTES**

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve the November 10, 2005 minutes as presented. (8-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Dozier addressed the Commission regarding Item #3 – 2005Z-056bT. He acknowledged the recommendation made by staff, but requested that the amendment be approved. He explained that the amendment would not change the logistics of the current sign ordinance, but would allow a new technological appearance of signs.

Council Lady Baldwin Tucker addressed the Commission regarding Item #34 – 2003P-002G-02, Cobblestone Creek. She briefly explained the background regarding this proposal and stated she was in favor of approving the amendment to the Planned Unit Development.

Councilmember Cole addressed the Commission regarding Item 2 – 2005P-029U-05, Nashville Auto Diesel College. He spoke of issues relating to the overlay and stated he would continue to work with the proposal as it moves through Council. He acknowledged that the overlay would be an essential tool for a planned and thoughtful growth pattern for East Nashville. Councilmember Cole also spoke in favor of approving Item #22 – 2005S-185U-05, Cumberland Meadows.

Councilmember Toler acknowledged that Item #17 – 2005Z-177G-12 was on the deferral list, and spoke in favor of Item #41 – 2001UD-001G-12 which was on the Consent Agenda. He then spoke regarding Item #1 – 2005S-319G-12. He briefly explained the history of the proposal and expressed issues associated with it. He requested that prior to the final plat that the developer complete a geological survey of the site to insure its constructability.

Councilmember Coleman spoke in favor of Item #9 – 2005Z-059G-12 and Item #10 – 2005P-018G-12, which were on the consent agenda for approval. He spoke in favor of Item #14 – 2005Z-174G-13, which consisted of the necessary zone change essential for a proposed new high school for his district. He then spoke of the Southeast Arterial Street Plan which would be heard at the next Planning Commission meeting on January 12, 2006.

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

- |     |               |   |
|-----|---------------|---|
| 17. | 2005Z-177G-12 | A request to change from AR2a (3.57 acres) and OR20 (0.05 acre) to CS district a portion of property located at 6260 Nolensville Pike and 6304 Hills Chapel Road (3.62 acres) -- deferred indefinitely at the request of the applicant  |
| 26. | 2005S-348U-10 | White Oak Subdivision - Request for final plat approval to create 2 lots located at the southeast corner of Sharondale Drive and Valley Road – deferred until January 12, 2006 at the request of the applicant  |
| 38. | 2005P-009U-11 | Auto Masters PUD - Request for final approval of a commercial Planned Unit Development located on the west side of Nolensville Pike, to permit an existing 1,547 square foot used vehicular sales facility and for additional vehicular sales area and parking -- deferred until January 12, 2006 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. **(8-0)**

#### **VI. PUBLIC HEARING: CONSENT AGENDA**

##### **GENERAL PLAN AND COMMUNITY PLAN AMENDMENT**

- |    |  |           |
|----|--|-----------|
| 1. | <b>REQUEST TO AMEND "THE PLAN FOR SUBAREA 8: THE NORTH NASHVILLE COMMUNITY PLAN: 2002 UPDATE" IN THE VICINITY OF 6TH AVE N. AND GARFIELD ST.</b>                           | - Approve |
| 2. | <b>PROPOSAL TO AMEND THE "JOELTON COMMUNITY PLAN: 2003 UPDATE" FOR THE FORMER MORNY ELEMENTARY SCHOOL SITE (after 4:00)</b>  | - Approve |
| 3. | <b>PROPOSAL TO AMEND THE "BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE" INVOLVING THE FORMER WADE ELEMENTARY SCHOOL SITE AND OTHER NEARBY PROPERTIES (after 4:00)</b> | - Approve |

##### **PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

- |    |               |   |                           |
|----|---------------|---|---------------------------|
| 1. | 2005S-319G-12 | A request for preliminary plat approval to create 35 lots located on the south side of Barnes Road, approximately 1,100 feet east of Barnes Cove Road (10.37 acres), classified within the RS10 District -- deferred until January 12, 2006 at the request of the applicant | - Approve with conditions |
|----|---------------|---|---------------------------|

**TEXT AMENDMENTS**

- 4. 2005Z-184T-09 Request to amend the Rutledge Hill Redevelopment District to include parcel 041 of tax map 093-07 , increase TIF capacity by 20 million dollars, and consolidate two mixed use land use categories into one - Approve
  
- 5. 2006Z-003T A council bill amending Section 17.40.410 of the Metro Zoning Code relative to demolition of residential structures - Approve

**PUBLIC HEARING: ZONING MAP AMENDMENTS**

- 9. 2005Z-059G-12 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) - Approve w/ conditions
  
- 10. 2005P-018G-12 Preston Estates PUD - 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), to permit 39 residential lots - Approve w/ conditions
  
- 11. 2005Z-135U-08 Request to change from R6 to RM15 (0.62 acres), and from R6 to MUN (0.40 acres) district properties, located at 1631, 1633, 1635, 1623, and 1627 6th Avenue North - Approve
  
- 12. 2005UD-011U-08 Salem Gardens - Request to apply an Urban Design Overlay district named Salem Gardens to properties located at 1623, 1627, 1631, 1633 and 1635 6th Ave. North, at the corner of Garfield Avenue and 6th Avenue North, proposed for one mixed use building allowing four residential/commercial/office ground floor flats, one corner retail space, and eight apartment units, as well as two buildings with four townhouses in each - Approve w/ conditions
  
- 13. 2005Z-163U-08 Request to change from R6 to SP District property, to permit the development of six 1,200 square foot townhouse units, located at 1600 6th Avenue North, at the northeast corner of 6th Avenue North and Hume Street - Approve w/ conditions, Public Works has requested additional details on the plan so that final engineering decisions can be made. Public Works design standards must be met prior to any building permit issuance.
  
- 14. 2005Z-174G-13 Request to change from IWD and AR2A to MUL a portion of property located at 12814 Old Hickory Boulevard and Old Hickory Boulevard unnumbered - Approve
  
- 15. 2005Z-175U-06 Request to change from R15 to CS district properties located at 7342 Charlotte Pike and 706 Old Hickory Boulevard - Approve
  
- 18. 2005Z-183U-08 Request to change from R6 to RS5 district various properties located to the north of Felicia Street and south of I-40, and between the railroad on the east and I-40 on the west - Approve

19. 2005NL-001G-03 Request to apply a Neighborhood Landmark Overlay to an RS20 district property located at 5022 Old Hydes Ferry Pike, approximately 50 feet west of Old Hickory Boulevard (10.06 acres) (after 4:00 p.m.) - Approve

**PRELIMINARY SUBDIVISION PLATS**

20. 2005S-293U-10 McKanna Subdivision - Request for preliminary plat approval to create 4 lots located at 1400 Tyne Boulevard and the end of Georgetown Court - Approve w/ conditions

**FINAL PLATS**

22. 2005S-185U-05 Cumberland Meadows, Ph 1, Revision - Request for final plat approval with a variance request for sidewalk requirement along three lots located on the east margin of Eastland Avenue - Approve w/ conditions

25. 2005S-341U-11 Bradley Candy Property, Resub. Lots 1 And 2 - Request for final plat approval to create three lots located at 1100 Murfreesboro Pike and 100 Menzler Road, intersection of Murfreesboro Pike and Menzler Road (3.08 acres) - Approve

27. 2005S-349U-13 Armstrong's Ezell Road Subdivision - Request for final plat approval to create 4 lots located on the east side of Bakertown Road, approximately 260 feet south of Ezell Road - Approve w/ conditions

**PLANNED UNIT DEVELOPMENTS (revisions)**

28. 21-76-U-07 Post Square Shopping Center - Request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development District on the south side of White Bridge Road, to permit the construction of a 4,000 Sq. Ft. bank - Approve w/ conditions

30. 74-79-G-13 Nashboro Village - Tract 3 - Request for final approval for a portion of a residential Planned Unit Development located on the east side of Murfreesboro Road and south side of Nashboro Boulevard (unnumbered), to permit the development of 73 town homes - Approve w/ conditions

31. 18-84-U-10 Covenant Presbyterian Church - Request to revise a portion of the preliminary site development plan and for final approval of the Residential Planned Unit Development located abutting the northeast margin of Hillsboro Pike and Harding Place, to permit a 1,200 seat sanctuary, an additional 38,789 square feet of church associated classroom and storage space within the footprint of the previously approved sanctuary and a playground - Approve w/ conditions, including all Metro Stormwater conditions of approval, and amend condition #2 to read, "The Harding Place ingress/egress gate shall be shut and locked after sunset, except when services or events are scheduled."

32. 43-87-P-14 Truxton Village - Request for final approval for a portion of a commercial and residential Planned Unit Development located at Lebanon Pike (unnumbered), and Windsor Chase Way (unnumbered), to permit the development of 118 residential units - Approve w/ conditions

33. 91P-006U-12 Thompson Station Commercial PUD - Request to revise a portion of the approved preliminary site development plan, - Approve w/ conditions

and for final approval for a Commercial Planned Unit Development abutting the west margin of Nolensville Pike, and the north margin of Cotton Lane to permit the development of a 9,000 square foot restaurant

- 35. 2004P-004U-13 Carrolton Station - Request to revise the preliminary site plan and for final approval of a mixed use Planned Unit Development located abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, to permit the development of 126 town homes and 8 single family lots - Approve w/ conditions
- 36. 2004P-005U-10 Hillsboro Circle PUD - Request for final approval for a commercial Planned Unit Development located 4103 Hillsboro Circle, with the exception of bar and night club uses, to permit a 2,459 square foot office building and 1,459 square feet of storage - Approve w/ conditions
- 37. 2004P-018G-14 Heritage Hills - Request for revision to preliminary and final approval for a residential Planned Unit Development district located at Lebanon Pike (unnumbered), east of Tulip Grove Road, at the Wilson County Line, to permit 82 town homes (approved for 90) and 76 single-family lots (approved for 90) - Approve w/ conditions
- 39. 2005P-021U-13 Townhomes at Southridge - Request for preliminary approval for a Planned Unit Development district located at 5505, 5515 and 5525 Mt. View Road, west of Old Franklin Pike, to permit 79 multi-family units - Approve w/ conditions
- 40. 2005P-035U-10 J. Alexander's - Request for preliminary approval for a Planned Unit Development located at 2609 # 101 West End Avenue, to permit an existing restaurant an exemption from the minimum distance requirement included in the beer provisions of the Metro Code - Approve w/ conditions
- 41. 2001UD-001G-12 Lenox Village, Phase 8 - Request for final approval for a phase of the Urban Design Overlay district located along the east side of Nolensville Pike, to permit 193 townhomes, 12 single-family rear access homes, and 43 single-family street access homes - Approve w/ conditions

**OTHER BUSINESS**

- 42. Cato Road Annexation Plan of Services - Approve
- 43. Contract between Regional Transportation Authority (RTA) and the Nashville Davidson County Metropolitan Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Commuter Rail Planning - Approve
- 44. Employee Contract Renewal for Jennifer Carlat - Approve
- 45. Amended employee contract for Brenda Bernards - Approve
- 46. Correction to the minutes of September 22, 2005 and October 27, 2005 - Approve

Ms. Nielson moved and Mr. Small seconded the motion, which passed unanimously to approve the Consent agenda as modified and presented. **(8-0)**

**VII. GENERAL PLAN AND COMMUNITY PLAN AMENDMENT**

1. **REQUEST TO AMEND "THE PLAN FOR SUBAREA 8: THE NORTH NASHVILLE COMMUNITY PLAN: 2002 UPDATE" IN THE VICINITY OF 6TH AVE N. AND GARFIELD ST.**

**Staff Recommendation** – *Approve*

**APPLICANT REQUEST**

- Change the ‘Structure Plan’ land use policy from “Neighborhood General (NG)” to “Neighborhood Center (N C)” for parcels 494 & 495 on Map 081-08
- Change the Detailed Land Use Plan Element in the Salemtown Detailed Neighborhood Design Plan [Appendix E-17] as follows:
  - from “Mixed Housing (MH)” to “Mixed Use (MxU)” for parcels 494 & 495 on Map 081-08;
  - from “Mixed Housing (MH)” and “Single Family Detached (SFD)” to “Single Family Attached and Detached (SFAD)” for parcels 491-493 on Map 081-08; and,
  - from “Single Family Detached (SFD)” to “Mixed Housing (MH)” for parcel 445 on Map 081-08.
  - (See graphic for these requested changes)

This proposal was reviewed as a “minor plan amendment,” which requires notification of property owners within 500 ft of the subject site. Since the associated zone change from R6 to MUN requires notification to a distance of 800 ft., that distance was also used for the mailout for this plan amendment request.

**EXISTING LANDUSE POLICY**

**Neighborhood General (NG)** - A mixture of residential development , the location of ‘Structure Plan’ policy which is guided by a detailed design plan, is intended in NG areas along with appropriate civic and public benefit uses. (see Figure 1)

**Mixed Housing (MH)** - MH supports a mixture of housing types and appropriate ‘Detailed Plan’ policy civic and public benefit uses. (see Figure 1)

**Single Family Detached (SFD)** - SFD supports detached single family residential and ‘Detailed Plan’ policy appropriate civic and public benefit uses.

**PROPOSED LAND USE POLICY**

**Neighborhood Center (NC)** - N C policy is applied to areas intended for a mixture of ‘Structure Plan’ policy residential uses and compatible neighborhood scale nonresidential activities, including civic and public benefit uses, offices and commercial businesses providing mainly convenience services to the nearby neighborhood.

**Mixed Use (MxU)** - MxU policy supports an integrated mixture of residential ‘Detailed Plan’ policy uses and compatible neighborhood scale nonresidential uses including offices, commercial uses serving the neighborhood and appropriate civic and public benefit uses.

**Mixed Housing (MH)** -[see description in above section on existing land use ‘Detailed Plan’ policy policy.]

Single Family Attached and SFAD supports single family detached residential, Detached (SFAD) ‘Detailed Plan’ attached single family townhomes, and appropriate civic policy and public benefit uses.

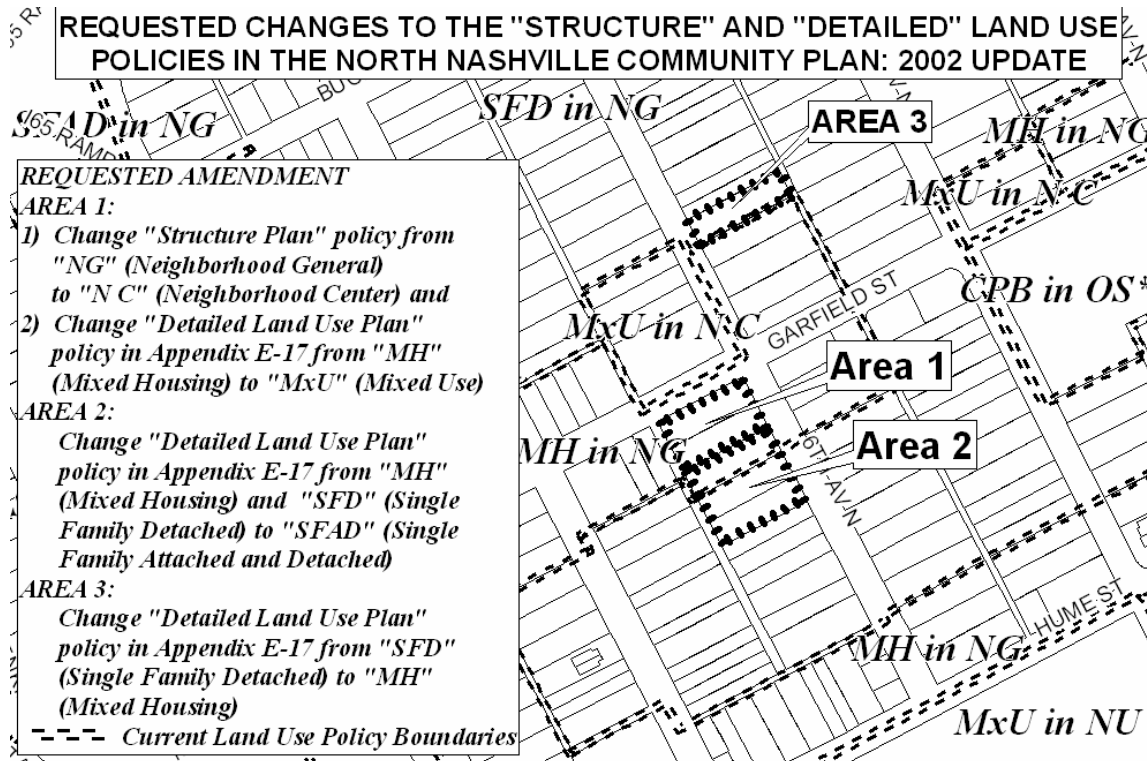
**ANALYSIS**

**Requested N C/MxU Policy** (Area 1 on Graphic)- This request would expand to the (SW) corner of 6<sup>th</sup> & Garfield the same policy that already applies on the north side of this intersection. The N C/MxU is part of a proposed development that includes townhomes to the south of a mixed-use building contemplated on these two parcels (494 & 495). The corner location is suitable for the requested policy. It involves 0.42 ac., well within the context and neighborhood-scale development. Together, this area and the N C/MxU policy area on the north side of Garfield St. would contain only 1.44 ac. If the market is insufficient for mixed use development on both the existing and expanded area, the policy would still support all-residential uses and/or appropriate civic and public benefit uses.

**Requested SFAD Policy** (Area 2 on Graphic) - The current policy for two of the three parcels involved in this request (492 & 493) supports mixed housing; the policy for the third parcel is single family detached only. This request would apply a single policy intended to support the townhomes being proposed. SFAD is appropriate in the exiting Neighborhood General policy on the ‘Structure Plan’; its location adjacent to the mixed use area is also appropriate. One possible consequence of this policy change is that it could be pointed to as a precedent in an argument for the applying the same policy across the street

**Requested MH Policy (Area 3 on Graphic)** - This request stems from the desire of the applicant to develop mixed housing on the five parcels along the east side of 6<sup>th</sup> Ave. N. north of Garfield St. The existing policy on four of the five parcels is Mixed Housing (MH), which supports the proposed development. The last parcel is currently designated SFD. Factors suggesting that the requested policy has merit are as follows:

- the policy on the west side of the street, opposite the subject parcel, is partly N C/MxU and partly SFD;
- this request is a minor boundary adjustment at the edge of the SFD policy area;
- it expands an existing area of MH policy rather than randomly apply MH policy where none currently exists;
- it is close to the mixed use center at 6<sup>th</sup> & Garfield where higher density is most desirable.



Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-443**

“BE IT RESOLVED by The Metropolitan Planning Commission that the request to amend “the Plan for Subarea 8: The North Nashville Community Plan: 2002 Update” in the vicinity of 6<sup>th</sup> Ave North and Garfield St.” was **APPROVED. (8-0)**”

**2. PROPOSAL TO AMEND THE "JOELTON COMMUNITY PLAN: 2003 UPDATE" FOR THE FORMER MORNLY ELEMENTARY SCHOOL SITE (after 4:00)**

**Staff Recommendation - Approve**

**APPLICANT REQUEST**

- 1) Change the ‘Structure Plan’ land use policy from “Open Space (OS)” to “Residential Low-Medium Density (RLM)” and
- 2) incorporate the subject site into the surrounding “Special Policy Area # 1” for the 9 acre tract located along the south margin of Eatons Creek Road beginning about 1,170 west of Clarksville Pike

This proposal was reviewed as a “major plan amendment” that requires notification of property owners within 500 ft of the subject site, and that a community meeting be held ahead of the public hearing. Based on the chance that a zone change proposal might accompany this proposed plan amendment, the mail-out distance for this proposal was 600 ft. so it would match the distance requirement for a residential zone change notification if one did get sent out. The community meeting was held on Thursday November 17, 2005.

**EXISTING LAND USE POLICY**

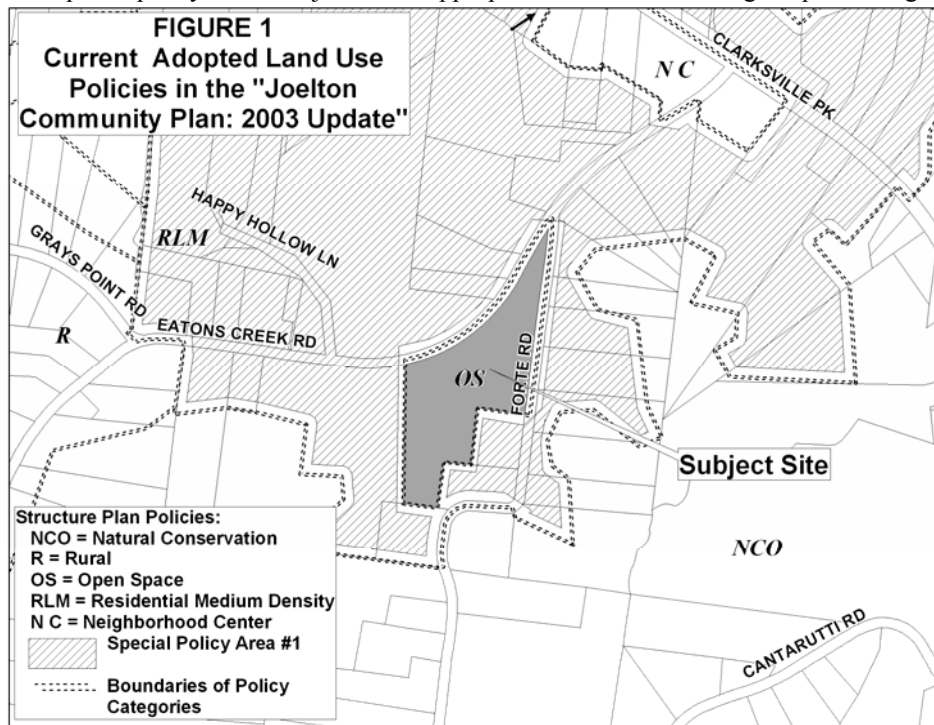
**Open Space (OS)** - Open Space policy is applied to publicly owned areas intended for existing or future parks or other civic activities, such as schools, libraries, precinct stations, fire halls, etc. It does not support residential development. (see Figure 1)

**PROPOSED LAND USE POLICY**

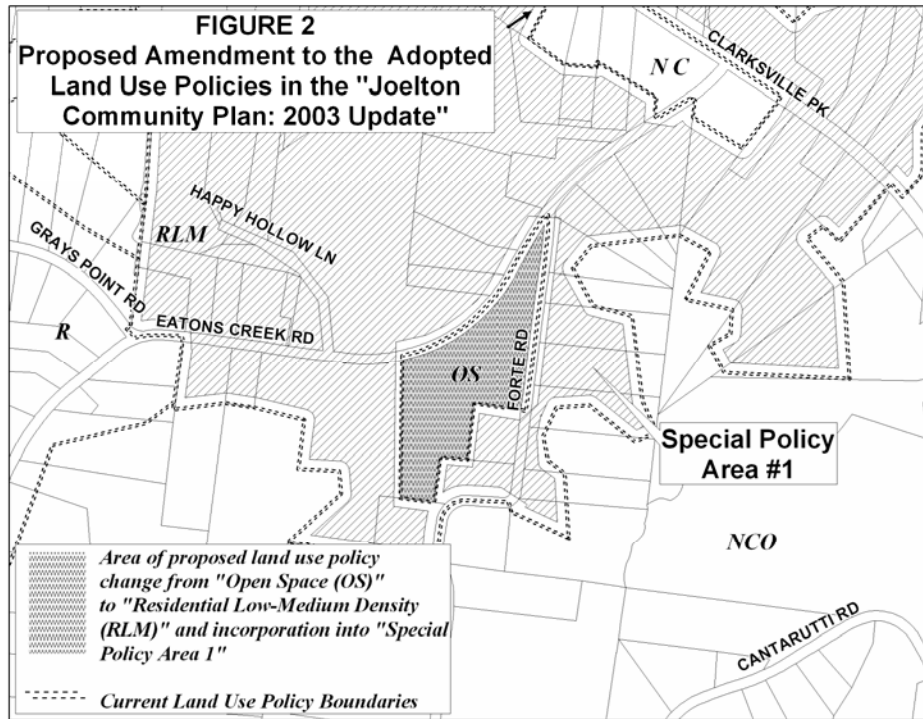
**Residential Low-Medium-RLM** policy allows residential development in the range Density (RLM) and of 2-4 housing units/ac. and appropriate civic and public benefit activities.

**Special Policy Area #1** - Special Policy Area # 1 [which surrounds the subject site] states: "Maximum recommended density within this 'RLM' policy area is 2 du/ac." (see Figure 2)

**ANALYSIS** - The subject site has been declared surplus and is being processed by Real Property Services for disposal. As part of that process, staff was asked to review adopted land use policy and current zoning to determine whether changes should be made prior to disposal of the site, assuming it will not be used for a public purpose upon its disposal. Since the current land use policy is geared to the site being used for a public purpose, some change in land use policy is necessary. Both "RLM" land use policy and "Special Policy Area #1" completely surround the subject site. Although it is oddly shaped, the site does not contain any physical features that are significant constraints to development. Extending the adjoining "RLM" and special policy to the subject site is appropriate and is the most logical plan change to make.







Approved, (9-0) *Consent Agenda*

**Resolution No. RS2005-444**

“BE IT RESOLVED by The Metropolitan Planning Commission that the proposal to amend the “Joelton Community Plan: 2003 Update” for the former Morny Elementary School site is **APPROVED. (9-0)**”

**3. PROPOSAL TO AMEND THE "BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE" INVOLVING THE FORMER WADE ELEMENTARY SCHOOL SITE AND OTHER NEARBY PROPERTIES (after 4:00)**

Staff Recommendation – *Approve*

**APPLICANT REQUEST**

- 1) Change the ‘Structure Plan’ land use policy from “Neighborhood Center (N C)” to “Rural (R)” for the portion of the parcels to which “N C” policy currently applies at 4946 Old Hydes Ferry Pk., on the north margin of Old Hydes Ferry Pk unnumbered 0 ft west of Old Hickory Bv., and at 5022 Old Hydes Ferry Pk. (former Wade school site); and, 2) apply a special policy (Special Policy Area # 3)” to a portion of the former Wade school site. (see graphic)
- 3) Amend the “Transportation Plan” element by adding a “Community Plans Greenway” along the segment of the stream that forms the eastern property line of the Wade school site.

This proposal was reviewed as a “major plan amendment,” which requires notification of property owners within 500 ft of the subject site, and that a community meeting be held ahead of the public hearing. The community meeting was held on Wednesday November 16, 2005. [A follow-up meeting was held by Councilmember Brenda Gilmore on Tuesday November 22, 2005.]

**EXISTING LAND USE POLICY**

**Neighborhood Center (NC)** -Neighborhood Center policy is applied to areas intended for a mixture of residential uses and compatible neighborhood scale nonresidential activities, including civic and public benefit uses, offices and commercial businesses providing mainly convenience services to the nearby neighborhood.

**PROPOSED LAND USE POLICY**

**Rural (R) Policy** Rural policy is intended mainly for very low intensity residential development, ideally 2 acres+ per housing units and appropriate civic and public benefit activities in a rural setting.

**Special Policy Area # 3**

1. Preservation of the former Wade elementary school structure is intended through the application of the “Neighborhood Landmark” zoning overlay district. The extent of the special policy area should be established in the “final site development plan” for the NL overlay that is approved by the Planning Commission.
2. Appropriate uses for the Wade structure and, as necessary, ancillary uses immediately around the school building include those allowed in the RS20 and MUN base zoning districts, except “Boarding house,” “Bar or nightclub,” “wastewater treatment plant” and “Recycling collection center.”

**ANALYSIS** - The subject site has been declared surplus and is being processed by Real Property Services for disposal. As part of that process, staff has reviewed adopted land use policy and current zoning to determine whether changes should be made prior to disposal of the site, assuming it will not be used for a public purpose upon its disposal.

Existing “Neighborhood Center (N C)” Policy (see graphic) - The N C policy areas in question are all on the south side of the Ashland City Railroad. None have direct access to or good visibility from S.R. 12 (Ashland City Highway). None of the subject N C policy abuts a major street. The parcel abutting the east side of the Wade site has frontage on Old Hickory Bv. (OHB), but there is an intervening stream and NCO (Natural Conservation) policy between OHB and the portion of that parcel that is designated N C. The existing character of development in the vicinity of the subject N C policy is mostly rural residential with scattered public benefit uses. None of the areas of N C policy contain uses that require that policy. There is ample area designated N C north of the railroad in all four quadrants of S.R. 12 and OHB., over 20 acres in all. The consensus of those in attendance at the community meetings was to support all of the ‘Structure Plan’ policy change from “Neighborhood Center” to “Rural” as proposed.

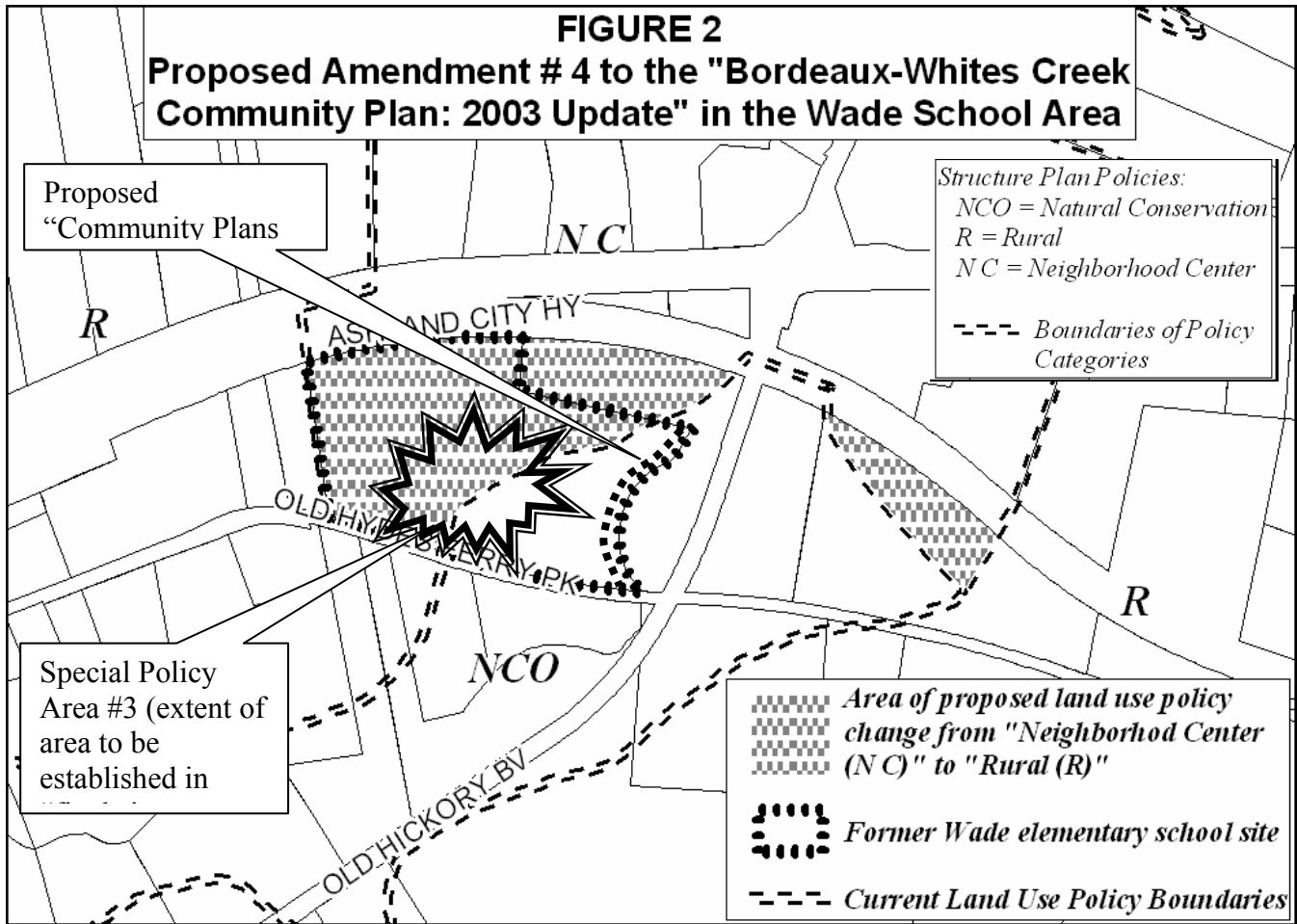
Special Policy for Preservation and Future Use of the Wade School Site - The Wade school structure has been determined by the Metro Historic Commission staff to be historically significant and worthy of conservation. This facility has been a landmark in the community dating back to the 1930s and, based on the sentiments expressed at the community meetings, there is a strong consensus that every effort should be made to preserve it. Based on discussion at the community meetings, there is also support for any of a wide range of uses of the Wade structure to maximize the likelihood of its preservation. That includes uses not otherwise supported by “Rural” policy or the current RS20 zoning, as long as those uses are acceptable and can be assured through a specific site plan.

The NL zoning overlay district is broad in the variety of uses that can be approved in the “final site development plan.” Many of these uses could be incompatible with both the existing and desired future character of development at this entrance to the Bend. A special policy is needed that establishes the additional “basket” of uses deemed appropriate for this structure beyond those intended/allowed in Rural policy and RS20 zoning. At the second community meeting, following lengthy open discussion, the consensus was that the “basket” of uses supported by the special policy for the Wade structure should include all of those allowed in the RS20 base district and in the MUN district except for the following four uses:

- Boarding house
- Bar or nightclub
- Wastewater treatment plant
- Recycling collection center

The extent of the Wade site to which this special policy applies is intended to be established in the “final site development plan” for the NL overlay that is approved by the Planning Commission. For the balance of the Wade site that is in the NL overlay, but not deemed to be in the special policy area, the uses approved in the “final site development plan” should be guided by the uses permitted in “Rural” and “Natural Conservation” policy and RS20 zoning.

**Additional Greenway** - The stream on the eastern edge of the Wade school property is a natural location for a greenway. It is within identified floodplain and NCO policy. The Master Greenways Plan shows a “Potential Greenway Corridor” throughout Bells Bend, but does not identify a specific greenway route. This proposed amendment would be the first small step toward identifying a specific location for a greenway pursuant to the “Potential Greenway Corridor” reflected in the Master Greenways Plan.



Approved, (9-0) *Consent Agenda*

**Resolution No. RS2005-445**

“BE IT RESOLVED by The Metropolitan Planning Commission that the proposal to amend the “Bordeaux-Whites Creek Community Plan: 2003 Update” involving the former Wade Elementary School Site and other nearby properties is **APPROVED. (9-0)**”

**4. SUBAREA 5 PLAN TO CHANGE FROM COMMERCIAL ARTERIAL EXISTING AND RESIDENTIAL LOW MEDIUM DENSITY POLICIES TO RETAIL CONCENTRATION SUPERCOMMUNITY POLICY PROPERITES ON THE NORTH SIDE OF JOYCE LANE**

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST**

Change the land use policy from Residential Low Medium Density (RLM) and Commercial Arterial Existing (CAE) to Retail Concentration Community (RCC) for approximately 16.85 acres for property located along the north side of Joyce Lane west of Gallatin Pike.

**Existing Land Use Policies**

**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.

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

**Proposed Land Use Policies Retail Concentration Community (RCC)** - RCC is a Structure Plan category designed to accommodate existing and future areas with concentrations of community scale retail at a smaller scale than a regional mall, generally located in conventional suburban areas. The market served by community scale retail varies in size according to the density of the surrounding area and the existence of other retail concentrations. In general, the radius of the trade area is anywhere from one to five miles. Good accessibility by major streets or freeways is essential for all RCC areas. Predominant uses included in RCC are most types of retail shops, restaurants, entertainment and consumer services, but at a smaller scale than that of a regional mall. Also appropriate in RCC areas are higher density residential uses and upper floor residential uses in buildings with ground floor commercial. Large specialized retail uses such as Home Depot and Sam's Wholesale Club are larger uses than those considered community scale and draw from a regional market.

**ANALYSIS** - Staff recommends disapproval of the proposed amendment for the reasons discussed below.

**Land Use Policy Application** - The applicant has requested RCC policy, which is not Standards and Definitions appropriate either for the type of zoning the applicant is requesting (Shopping Center Regional) or for much of the proposed amendment area. RCC policy is designed to be anchored by uses such as grocery stores that draw from a group of nearby neighborhoods rather than by large-footprint specialized retail uses such as that proposed by the applicant (in fact, *Land Use Policy Application* specifically excludes home improvement superstores from this policy area, see page 56). It is also designed to gain access from the arterial street system, which is not the case for much of the site for which the policy is being requested.

With reference to the inconsistencies between RCC policy and the applicant's zone change and Planned Unit Development requests, which were disapproved by the Commission in October, it is important to note that of the nine home improvement superstores in Davidson County, none are in RCC policy areas. One is in a Retail Concentration Super Community policy area, five are in Commercial Mixed Concentration policy areas, two are in Regional Activity Center policy areas, and one is in a Community Center policy area.

**Precedent-setting Application** - The placement of RCC policy on parcel 9, where of RCC Policy for Interior Area CAE policy and the Commercial PUD currently apply, would be appropriate because of the nearly immediate access to Gallatin Pike, access from nearby Briley Parkway, and the continuation of commercial expectations for the property. For the remainder of the site, the type of development that is supported by RCC policy is not compatible in scale and character with either the buildings or the street networks of the surrounding residential neighborhood from which it would draw its access. Typically, the largest store in an RCC area would be a 60,000 square foot grocery store, around half the size of a typical home improvement superstore, but still a more intensive use than staff could support for the interior parcel.

**Expressed Vision for the Area** - These factors are important, but also important is the fact that community participants in the East Nashville plan update process, which began in March, have expressed a desire that development throughout the East Nashville community be *relatively small retail footprints and businesses that are oriented toward serving adjacent neighborhoods*. Community members in this local area also expressed this desire in August when staff held two meetings that focused specifically on the Gallatin Pike corridor in the Joyce Lane area. Staff concurs with this direction in that it is *appropriate to help achieve walkable, sustainable inner-ring suburban and urban neighborhoods* within the East Nashville community.

Given the community's vision, the preferred emphasis for Gallatin Pike is on commercial and mixed use development that serves adjacent groups of neighborhoods rather than on commercial development that draws from a regional market and competes with stores serving the local market. The draft land use policies in the forthcoming *East Nashville Community Plan: 2006 Update*, anticipated to be considered at the February 9 Planning Commission meeting, respond to this vision by placing Retail Concentration Community policy in a confined area that is proximate to the interchange and does not intrude back into the residential neighborhood, as is the case with the current amendment proposal. Community Center policy is placed in the draft plan along the remainder of Gallatin Pike (starting slightly north of Solley Drive and proceeding southward).

**Surrounding Land Use Impacts** - Gallatin Pike south of Briley Parkway features shallower parcels than it does north of Briley Parkway. South of Briley Parkway, the arterial is surrounded by an increasingly urban environment as one moves further south. The introduction of a policy that supports big boxes into this setting can set a destabilizing precedent given that achieving needed depth will often require the removal of adjacent residences, as is occurring in this request. This "commercial creep" is a trend that is discouraged by the General Plan. The attached graphic shows this area of primary impact.

This proposal brings the commercial corridor intensity too far back from the corridor and leaves it without a clear edge to the south, thereby adding pressure for the facing single-family residential development to change to nonresidential or non-owner occupied residential development. This particular neighborhood is especially sensitive to such destabilizing pressure because it is already only a few blocks wide, edged as it is by the railroad and the arterial roadway. Providing an appropriate transition area or a clear edge to the commercial uses would justify a band of less intensive office or multi-family uses to “buffer” the single-family neighborhood. This, in turn, would require removal of additional single family homes in the area. The attached graphic also shows the area of secondary impact, in addition to the primary impact area referenced above.

**Impact on Transportation Network** - The proposed expansion of the existing commercial area (now in CAE policy under a Commercial PUD, proposed for RCC) lacks direct access to an arterial street. Instead, the applicant is proposing access to a local street approximately 500 feet from its intersection with Gallatin Pike. Local street access as the primary access is discouraged for high-intensity policies such as RCC, which generally contain large footprint and high traffic-generating uses. In this case, although a portion of the street would be widened as part of the development proposal that would implement this amendment request, the local street serves as the sole intended access for the development.

There are numerous concerns about the amount of traffic this expansion would cause on neighborhood streets as drivers choose to avoid Gallatin Pike by cutting through the neighborhood. Solley Drive, Grinstead Place, and Broadmoor Drive are the most likely routes to bear this traffic, especially for shoppers coming from the west. To give an idea of the order of magnitude of traffic increase that is at issue, the 96-unit condominium development and museum/gift shop PUD that are currently approved for the site would generate an estimated 806 trips per weekday and an estimated 796 trips per Saturday, while a 132,554 square foot home improvement superstore would generate about 4,646 trips on a weekday and about 6,054 on a Saturday.

**Residential Policies** - The current policy for most of the amendment area is Residential Low-Medium Density (RLM). Residential development of the site is feasible, as is evidenced by the development of similarly situated sites throughout the county and the continuing interest in residential development of such sites (ex: Sonya Drive, Bellevue). Residential development of the site is also desirable in achieving compatibility with the existing neighborhood, bringing additional population to the area to help support desired services, and increasing flexibility in the ability to sensitively develop the site.

The existing tree coverage on the site provides an important visual and noise buffer from Briley Parkway. Residential development of the site would also permit considerably more of this existing tree cover to be retained or to be re-established. The drainage way can become an amenity rather than a covered, engineered infrastructure feature. The draft *East Nashville Community Plan: 2006 Update* also shows a residential policy for the site, Neighborhood General.

**Community Feedback** - Staff held a community meeting on November 8 to discuss the amendment proposal. The meeting was attended by approximately 80 people, most of whom were in favor of the amendment proposal. They cited the proposal’s potential for bringing economic development to the area as their primary reason for this support. Attendees also believed themselves to be in an “either-or” situation in terms of making a choice between the approved Residential PUD, which they believe will be developed as low-income housing, and a home improvement superstore. Additional support was based on the proposed development funding transportation improvements, particularly to the Briley Parkway interchange. This is certainly true, although the proposed development is itself generating much of the need. Finally, while staff concurs with the desire to bring economic development to the area, we are concerned that the type of development that typically follows large-footprint specialty retail development will not be in accordance with the community vision that has been expressed through the plan update meetings. This, combined with the concerns expressed above, causes staff to recommend disapproval despite the appearance of significant community support.

**Consideration of Options** - If the Commission should decide to amend the plan for the site, staff strongly recommends that the policy for the site should be Commercial Mixed Concentration (CMC) rather than RCC, and that a Special Policy be placed over the CMC area that requires the use of a PUD, UDO, or SP district. If RCC is applied to the site, a precedent will be set that will require follow-up action to amend the countywide Land Use Policy Application document. In addition, further steps should be taken through the remainder of the East Nashville plan update process to specifically identify the appropriate land use policies for the primary and secondary impact areas shown on the graphic to help better achieve community goals that have been expressed thus far during the process.

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

Councilmember Craddock spoke in favor of the proposed amendment. He stated he held a neighborhood meeting in September, to discuss this proposal. At this meeting, Councilmember Craddock polled the attendees, and of the 110

persons, 80 were in favor of the proposal and only four were against. He stated that this development will bring the much needed economic growth to the Ingelwood area. He also stated that the developer has been cooperative with him as well as area residents, and have agreed to provide for traffic calming devices for those areas where cut-through traffic may become an issue.

Mr. Tom White, 315 Deadrick, spoke in support of the amendment.

Mr. Bob Murphy, RPM Engineering, spoke in favor of the amendment.

Mr. Kevin Rogers, 2455 Pesus Ferry Road, spoke in favor of the amendment.

Mr. Matthew Van Dyke, 1755 The Exchange, spoke in favor of the amendment.

Ms. Kristine Osburn, 1655 The Exchange, spoke in favor of the amendment.

Mr. Sydney Gray, 919 Solley Drive, spoke in opposition to the amendment.

Ms. Debbie Pace, Madison Chamber of Commerce, spoke in favor of the amendment.

A resident of the area spoke in favor of the amendment.

Ms. Shirley Shell, a resident of Maplewood, spoke in favor of the amendment.

Ms. Laura Dennis spoke in favor of the amendment.

Ms. Linda Carter spoke in favor of the amendment.

Mr. Robert King, 1009 Joyce Lane, spoke in favor of the amendment.

Mr. Steve Kroeger spoke in favor of the amendment.

Mr. Tony Warner spoke in favor of the amendment.

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the amendment.

Mr. Jeffrey Keller, 4824 Grinstead Place, spoke of traffic issues associated with the amendment.

Ms. Susan Scaletta, 4430 Brush Hill Road, spoke in favor of staff recommendation.

Ms. Denice Simons spoke in favor of the amendment.

Mr. Ed Duemler, 1109 Eastdale Avenue, spoke in opposition to the amendment.

Mr. Ponder requested additional information regarding traffic flow for the area.

Mr. Bernhardt reminded Commissioners that plans for a planned unit development have not been submitted.

Mr. Clifton acknowledged that the Commission is only reviewing the changes for the subarea plan. He stated that the proposed development would have an overwhelming impact on the immediate neighborhood making it untenable.

Mr. McLean requested additional information on the amendment. Mr. McLean commented that a development in this area would not be an enhancement for the area.

Ms. Nielson acknowledged that the Commission is reviewing policy only.

Ms. Jones spoke of the resident's vision for the area. She suggested that the motion include an extension of the design policy for the area.

Mr. Loring spoke in favor of the proposal. He stated the Councilmember has worked a very hard on this amendment. He stated the area is very compatible to the proposed development.

Ms. Nielson requested clarification on the motion and which areas would be considered for the recommended Commercial Mixed Concentration.

Mr. Clifton made additional comments on the Commission's role in relation to this amendment.

Mr. Small reminded the Commission that they are only voting on the requested changes for the Subarea 5 plan. He also stated that in order to pass a subarea plan amendment, there is a requirement of six affirmative votes.

Mr. McLean moved, and Mr. Loring seconded the motion to approve the Subarea 5 Plan to change from Commercial Arterial Existing and Residential Low Medium Density policies to Commercial Mixed Concentration on the North Side of Joyce Lane. **(4-4) No Votes – Small, Tyler, Clifton, Nielson**

**Resolution No. RS2005-446**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Subarea 5 Plan To Change From Commercial Arterial Existing and Residential Low Medium Density Policies to Retail Concentration Supercommunity Policy Properties on the North Side of Joyce Lane **FAILED. (4-4)**”

**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

1. **2005S-319G-12**  
Cottage Grove Subdivision  
Map 173, Parcel 101  
Subarea 12 (2004)  
District 31 - Parker Toler

A request for preliminary plat approval to create 35 lots located on the south side of Barnes Road, approximately 1,100 feet east of Barnes Cove Road (10.37 acres), classified within the RS10 District, requested by Great Southern Homes, Inc., owner/developer, for Digidata Corp., applicant.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary Plat**

Subdivide a 10.37 acre tract into a 35-lot cluster lot subdivision, along the south side of Barnes Road, 1,100 feet east of Barnes Cove Drive.

History - This plat was previously approved on July 10, 2003, for 38 single-family lots. That plat expired on July 10, 2005, because no final plat had been recorded.

Since July, 2003, the Planning Commission has adopted a new Subarea Plan [Southeast Community Plan], and has analyzed application of the Cluster Lot and Open Space provisions of the Zoning Ordinance. The applicant deferred this item at the November 10, 2005, Planning Commission meeting in order to make revisions to meet the Open Space and Critical Lot requirements.

**ZONING**

**RS10 District-** RS10 district, requiring a minimum lot size of 10,000 square feet. The subdivision proposes a density of 3.4 dwellings units per acre. A maximum of 38 lots are permitted under the RS10 district on this parcel, while 35 are proposed.

**SOUTHEAST COMMUNITY PLAN** - This subdivision falls within Southeast Community Plan's Residential Low-Medium (RLM) policy, which calls for residential development within a density range of two to four dwelling units per acre. The proposed subdivision plan, which has been revised since the November 10, 2005, meeting, meets the intent of the subarea policy.

**CLUSTER LOT OPTION** - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 square foot lots) to RS5 (minimum 5,000 square foot

lots) with the protection of environmentally sensitive features, or when appropriate open space is provided. The proposed lots range from 5,428 square feet to 13,239 square feet.

This plan utilizes the cluster lot option of the Zoning Code. This plan meets the basic requirement by providing over 15% Open Space, and now meets the qualitative requirements by providing open space that can be used by the residents in a meaningful way. The plan addresses the following requirements that were not being addressed on the previous plan:

1. Identifiable, designated pedestrian access must be provided to the common open space, except in specific instances when the open space is purely for scenic value and not intended for active use by residents.
2. The common open space must have “use and enjoyment” value to the residents—recreational value, scenic value, or passive use value. Residual land with no “use or enjoyment” value will not be counted.
3. Land used to provide infrastructure elements that are required of both standard and cluster lot subdivisions will not be counted, for example, sidewalks, planting areas, or rights-of-way.
4. Land used for conventional stormwater management devices built to hold water for an extended period of time will not be counted. Larger open areas in which a stormwater management device is the dominant feature will not be counted. Natural features such as shallow swales and other pervious areas that are not the result of land disturbance, but contribute in their natural form to reduction of run-off, may be counted.

Critical Lots - The plat has been revised to meet the requirements of the Code (Section 17.28.030) for critical lots. Lots 1, 28-30, 35-38 now have a minimum width of 75 feet at the building line, as is required.

**SUBDIVISION DETAILS** - The 10.37 acre tract, approximately 1,500 feet deep, lies along the south margin of Barnes Road in the southern portion of the county and just east of Nolensville Pike. The proposed 35 lots are located on either side of a single, curvilinear, spine road that provides for a temporary dead-end to the property located west of the subject site. The properties to the east and west have not been subdivided.

Stub-Streets - The applicant has revised the plan to include a second stub-street to the west, as was suggested by staff. Staff requested to the applicant that the plan be redesigned to provide an additional stub-street to the west to provide for more connectivity. More internal connectivity is important in this area due to the sharp curves and sight distance issues along Barnes Road.

Stream -The Metro Stormwater Division of Water Services identified a blue line stream running through the site that would require additional buffering and removal of 9 lots (Lots 20-28). The applicant has contacted the State who has now confirmed that the stream running through the site is not a blue line stream. Therefore, the lots, as proposed, are acceptable.

**SUBDIVISION VARIANCES(Sec. 2-6.1, Sidewalks)** -Since this property falls within the General Services district, and is not in a sidewalk priority index area of 20, or more, sidewalks are not required along Barnes Road. The applicant is proposing a five foot wide pedestrian easement along Barnes Road, as was previously approved by the Planning Commission in 2003.

**PUBLIC WORKS RECOMMENDATION** -Show professional seal.

1. Any approval is subject to Public Works' approval of construction plans. Final design and improvements may vary based on field conditions.
2. Show and dimension right of way along Barnes Road. Label and dedicate right of way 30 feet from centerline, consistent with the approved major street / collector plan.
3. Document adequate sight distance at project entrance / Barnes Road.
4. Sight distance does not appear to be available. Sight line appears too close to Barnes Road. Submit field run profile along sight line. Provide adequate sight distance at Barnes Road at access road.

Planning Staff Analysis - Based on the current Subdivision Regulations, planning staff supports the 46-foot right-of-way that is proposed. The proposed density of 3.4 units per acre is consistent with the proposal of 46 feet of right-of-way.

Public Works commented that the developer must demonstrate adequate site distance on Barnes Road. The applicant provided a sight distance easement across lots 1 through 3 where “no buildings, structures, or trees are to be installed in this area that may interfere with sight distance.” If the provided easement is not sufficient for the Department of Public Works, the applicant may need to further address this comment at the time of final plat review, if approved.



**STORMWATER RECOMMENDATION** -Updated comments have not been received from Metro Stormwater as of the date of this report. If staff receives updated comments, these will be forwarded to the Commission at the meeting.

1. The QUAD sheet shows a blue line stream reaching almost to the 675 elevation. Either show a drain buffer for the blue-line as shown on the quad sheet and pull all development out of the buffer area or provide documentation from the state showing that it is not blue on this property.
2. The same drain also appears that it could reach > 40 acres before it leaves this property. Please check the drainage area. Even if the state downgrades the waterway, if it carries over 40 acres then a buffer would still apply. Please check the drainage area for 40 acres and show a buffer if required.
3. The water quality concept looks good unless there is buffer required on the property. Please note that water quality can not be addressed within a buffer area.

#### **CONDITIONS**

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Final plat shall include a 5 foot right-of-way dedication along Barnes Road to meet Collector Street Standards.
3. Final Plat shall include a "B" Landscape buffer yard along the frontage of Barnes Road for the double frontage lots, as required by Section 17.24.060 of the Zoning Code.
4. 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.

Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as critical lots cannot be developed in compliance with the critical lot requirements.

Mr. Leeman announced that this proposal could be placed back on the Consent Agenda for approval with conditions.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously to approve Preliminary Plat 2005S-319G-12 with the added condition that a geological survey be completed before the final plat. **(8-0)**

#### **Resolution No. RS2005-447**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2005S-319G-12 is **APPROVED WITH CONDITIONS, including the requirement for a geotechnical study to be submitted by the applicant at the final plat stage. (8-0)**

#### **Conditions of Approval:**

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Final plat shall include a 5 foot right-of-way dedication along Barnes Road to meet Collector Street Standards.
3. Final Plat shall include a "B" Landscape buffer yard along the frontage of Barnes Road for the double frontage lots, as required by Section 17.24.060 of the Zoning Code.

4. 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."

---

## PLANNED UNIT DEVELOPMENTS

2. **2005P-029U-05**  
Nashville Auto Diesel College  
Map 71-13, Various Parcels  
Subarea 5 (1994)  
District 5 - Pam Murray, District 6 - Mike Jameson  
District 7 - Erik Cole

A request to apply an Institutional Overlay District to various properties located between Gallatin Pike and Emmett, and between McClurkan and Douglas, classified RS5, RM20, OR20, ORI (35.73 acres), requested by Councilmember Murray, for RM Plan Group on behalf of Nashville Auto Diesel College.

**Staff Recommendation: Approve with conditions**

### APPLICANT REQUEST - Institutional Overlay District

Request to apply an Institutional Overlay (IO) district to 86 properties on 35.73 acres between Gallatin Avenue and Emmett Avenue, along McClurkan Avenue, Strouse Avenue, Douglas Avenue on the west side of Gallatin, and between Chester Avenue and Douglas Avenue on the east side of Gallatin Avenue.

### Proposed Zoning Overlay

**IO district** - The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

### SUBAREA 5 COMMUNITY PLAN

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

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

**Policy Conflict - No.** The IO district is intended for areas designated wholly or partially as residential by the General Plan. The area included in the NADC plan is both residential and commercial.

**PLAN DETAILS** - Staff has reviewed the plan and finds that it meets the requirements outlined in the Zoning Code. The plan establishes future uses of buildings, design standards, setback standards, and height standards. It establishes proposed parking as well as open space, buffering, screening, and lighting standards. The plan also establishes a phasing plan.

**Code Requirements** - The Zoning Code intends for the application of the Institutional Overlay district to be limited to those land areas encompassed by a college or university master development plan. The plan must adequately describe the extent of the existing and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus's impact on the adjoining neighborhood(s).

The master development plan must distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational

areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks.

In the approval of a master development plan, the Council may require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community.

**STAFF COMMENTS** - After reviewing the Nashville Auto Diesel College Institutional Overlay, staff has determined that the proposed plan, as amended by incorporating staff conditions, meets the general requirements, as outlined by the Metro Zoning Code, for applying the IO district. The applicant has held several community meetings to gather input as to the design and goals of the master plan. The applicant has also been working with staff to make changes consistent with the intent of the Code, as well as to meet basic design standards, and to provide appropriate standards to address concerns as to how the development will impact the neighboring properties.

Staff acknowledges that the community and the district council members will likely continue to work with Nashville Auto Diesel College to address additional issues.

Staff recommends that the following conditions be addressed in the plan prior to third reading at Council, or made conditions of the approval, if approved.

**CONDITIONS**-Prior to third reading by the Metro Council, the following updates should be made to the Master Plan.

1. The existing fencing around the parking areas shall be removed or reduced in height to a maximum of 3.5 feet tall. Chain-link fences are prohibited.
2. The plan shall be revised to add a requirement that development site 4 be designed to front both McClurkan Avenue and the proposed park at the corner of McClurkan Avenue and Emmett Avenue.
3. The plan needs to provide a maximum setback for new buildings or additions to existing buildings along Gallatin Pike of 10 to 15 feet from the property line, or that approved by Planning Commission staff to meet the intent of an urban campus. The intent of this plan is for the NADC to be an urban campus with a strong street wall along Gallatin Pike, including the phasing out of parking in front of buildings. The buildings need to be close to the street with visual and direct pedestrian access, and an adequate sidewalk width provided (greater than 5 foot standard).
4. Regarding Architectural Standards, revise/rework the proposed standards as follows:

**Academic**

- Entry doors (vehicular and pedestrian) on principal facades shall create a sense of entry through a recess or projection.
- Blank walls facing streets shall be avoided. Building facades shall be broken into distinct bays of no more than 30 ft. in width. Recesses and projections that simulate openings may be appropriate in achieving this standard.
- New buildings and expansions shall be made of similar, durable materials with similar colors and texture to ensure a unified campus. The use of metal siding should be avoided; metal is permitted as a secondary material. Pre-engineered buildings shall be prohibited.
- Temporary buildings other than those used during construction shall be approved by the Planning Commission.
- Building design shall be consistent with neighborhood residential compatibility standards as identified in the site development chapter.

**Mixed Use and Residential, shall include all of the above, as well as the following:**

- Corridors accessing residential units shall be enclosed and not visible from a public street.
5. All bicycle routes shall be signed.
  6. The plan shall provide more detail as to what standards will apply when the plan lacks detail regarding signage. The minimum requirements of the Zoning Code shall apply when the plan does not specify a standard.
  7. The following Traffic conditions must be completed, bonded, or satisfied prior to any new development, as outlined by the Traffic Impact Study and/or Metro Public Works:

**PUBLIC WORKS RECOMMENDATION** - Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

**Nashville Auto Diesel College Conditions**

A revised Traffic Impact Study shall be completed when the student population exceeds 3,500 students. In accordance with Metropolitan Nashville Institutional Overlay ordinance, submit an updated Traffic Impact Study at least every five years.

**Douglas Avenue and Ellington Parkway southbound ramps**

Nashville Auto Diesel College (NADC) shall conduct traffic signal warrant analysis at the intersection of Douglas Avenue and Ellington Parkway southbound ramps upon the enrollment of 2,500 students, and with the updated Traffic Impact Study submitted at least every five years. Upon approval of a traffic signal by the Traffic and Parking Commission, NADC shall submit a signal plan with signal interconnect and pedestrian facilities per ADA standards and install signal upon approval.

**Emmett Avenue**

1. NADC shall construct the extension of Emmett Avenue from Strouse Avenue. Public roads shall be designed in accordance with the guidelines and standards of Public Works. The extension of Emmett Avenue should intersect Strouse Avenue at a 90-degree angle directly opposite the existing intersection of Strouse Avenue and Emmett Avenue. The extension of Emmett Avenue should intersect Douglas Avenue at a 90-degree angle directly opposite the existing intersection of Douglas Avenue and Emmett Avenue.

No new construction along Emmett Avenue shall be approved until Emmett Avenue is extended to Douglas Avenue.

2. NADC shall construct the northbound approach of Emmett Avenue at Strouse Avenue to include a separate left turn lane with at least 50 feet of storage and tapers designed to AASHTO standards. Also, a stop sign should be installed on the northbound approach of Emmett Avenue at Strouse Avenue.
3. NADC shall construct the southbound approach of Emmett Avenue at Douglas Avenue to include a separate left turn lane with at least 50 feet of storage and tapers designed to AASHTO standards. Also, a stop sign should be installed on the southbound approach of Emmett Avenue at Douglas Avenue.
4. NADC shall construct a separate eastbound left turn lane and westbound left turn lane at the intersection of Douglas Avenue at Emmett Avenue Extension construction. The eastbound left turn lane on Douglas Avenue should be designed to include at least 125 feet of storage with tapers designed to AASHTO standards. The westbound left turn lane shall be design to include at least 50 feet of storage with tapers design to AASHTO standards.

Turn lane construction on Douglas Avenue shall be at time of construction of Emmett Avenue extension.

5. NADC shall conduct a traffic signal warrant analysis at the intersection of Emmett Avenue and Douglas Avenue upon an enrollment of 2,500 students, or at the time of parking facilities on Emmett Avenue, and submit to Metro Traffic Engineer. Upon approval of a traffic signal by the Traffic and Parking Commission, NADC shall submit a signal plan with signal interconnect and pedestrian facilities per ADA standards and install signal upon approval.

**Gallatin Pike and Douglas Avenue**

1. NADC shall dedicate additional right of way and construct a southbound right turn lane on Gallatin Pike at Douglas Avenue with at least 100 feet of storage at the time of development of the northwest corner of Gallatin Pike and Douglas Avenue.
2. NADC shall reserve right of way along Gallatin Pike to provide right of way for a U-4 arterial classification in accordance with Metro major street plan at the time of redevelopment of properties along Gallatin Pike.

**McClurkan Ave. and Trevecca Ave. Roundabout**

The master plan indicates that a roundabout is to be installed at the intersection of McClurkan Avenue and Trevecca Avenue. NADC shall construct the proposed roundabout at the intersection of McClurkan Avenue and Trevecca Avenue as a single-lane modern roundabout in accordance with current AASHTO and Metro Public Works Standards. This roundabout should be designed to include striping and signage in accordance with current MUTCD standards including striping and signage for pedestrians on each approach.

**Site Access**

1. Individual focus access studies shall be conducted as specific NADC sites are developed. Once a specific development of significant size is within the design stages, all access points shall be analyzed for levels of service and evaluated for sight distance and traffic operations.
2. Direct access to the campus from Gallatin Pike shall be reduced, subject to ownership and development patterns. The current NADC master plan indicates that no direct access points are to be provided along the east side of Gallatin Pike. Along the west side of Gallatin Pike the current Master Plan indicates that one existing access point is to remain.
3. NADC shall develop a way-finding master plan to be implemented in phases as new areas are developed and buildings constructed.
4. NADC shall retain all public street connectivity with no street privatization.

#### **Pedestrian Facilities**

1. NADC shall improve existing pedestrian facilities as well as construct new pedestrian facilities along the public roadway network, as required by Metro Zoning Ordinance 17.20.120.
2. NADC shall develop and install pedestrian way-finding system directing pedestrians to marked crosswalks and pedestrian signals.
3. NADC shall re-stripe the intersection of Gallatin Pike and McClurkan Avenue/Chester Avenue to include a crosswalk across the northbound approach of Gallatin Pike. NADC shall relocate pedestrian signals to align with the crosswalk, if necessary.
4. Developer shall submit 4-way stop analysis study for the intersection of Strouse Avenue and Emmett Avenue and the intersection of McClurkan Avenue and Emmett Avenue, and submit to Metro Traffic Engineer for approval at the time of any redevelopment or construction of facilities west of Gallatin Pike and north of Straightway Avenue.

#### **Transit TDM**

1. NADC shall pursue a school sponsored Traffic Demand Management program in the way of a partnership with MTA to allow students, faculty and staff to ride the MTA buses for a reduced rate or no charge upon approval of the master plan UDO.
2. Upon redevelopment along Gallatin Pike, NADC shall construct a bus bay at MTA bus stop locations along Gallatin Pike property frontage in accordance with MTA standards.

#### **Parking**

A. For a student population of 3,500 students and a supply-demand ratio of 85 percent, NADC shall provide a minimum of 2,363 parking spaces.

Mr. Leeman presented and stated that staff is recommending approval with conditions and with the added condition that no new construction along Emmett Avenue shall be approved until Emmett Avenue is extended to Douglas Avenue, or as approved by Public Works if traffic counts indicate there is sufficient capacity to handle the development.

Ms. Amy Bryson, 1038 Petway Avenue, spoke in opposition to the overlay.

Mr. David Shearon, 2129 East Hill Drive, spoke in opposition to the overlay.

Ms. Brenda Elroy, 925 Douglas Avenue, spoke in opposition to the overlay.

Mr. Nelson Holt, 4517 Graycroft Avenue, spoke in opposition to the overlay.

Ms. Stephanie Hatchett, 1138 Cahal Avenue, spoke in favor of the overlay. She submitted information to the Commission.

Mr. John Trudel, 5011 Whispering Hills Court, spoke regarding the overlay.

Ms. Nancy Shelton, 1907 Boscobel Street, spoke in opposition to the overlay.

Ms. Caryn Lax, 1907 Boscobel, spoke in opposition to the overlay.

Ms. Rosharon Griggs, 923 Douglas Avenue, spoke in opposition to the overlay.

Ms. Vicki Bailey, 820 Fatherland Street, spoke in opposition to the overlay. She submitted information to the Commission.

Mr. John Hickman, 1108 Chester, spoke in opposition to the overlay.

Mr. Walter Pruitt, 5300 Rock Springs Road, spoke in favor of the overlay.

Mr. John Wendt, 937 Cahal Avenue, spoke in support of the overlay. He submitted information to the Commission.

Mr. Brian Akin, 1524 Gallatin Road, spoke in favor of the overlay.

Mr. Doug Fox, 1524 Gallatin Road, spoke in support of the overlay.

Mr. Al Raby, 3921 Vailwood Drive, spoke in support of the overlay.

Mr. Ponder acknowledged the concerns mentioned by the residents. He spoke in favor of the overlay.

Mr. Tyler spoke of the importance of educational facilities utilizing institutional overlays. He requested additional information regarding the traffic studies included in the proposal. He requested additional information on the current and proposed land uses for the college.

Mr. McLean expressed issues with the overlay. In particular, he suggested there be additional buffering for Douglas Avenue, and he also stated he was not in favor of the proposal expanding across Gallatin Road.

Ms. Nielson acknowledged the issues mentioned by the residents and suggested that the developers utilize design sensitive elements that will enhance neighboring properties.

Mr. Small also acknowledged the appropriateness of utilizing institutional overlays and how an overlay can enhance an area. However, he spoke of issues associated with this proposal. He was not in favor of the expansion including the crossing of Gallatin Road, and he also stated there was not enough communication on the overlay between the college representatives and the area residents.

Ms. Jones also spoke positively of institutions utilizing long-term plans. However, she stated this overlay may be a little premature and encouraged more communication between the college and area residents.

Mr. Loring stated he was in favor of preserving owner's rights. He suggested more communication between the college and area residents.

Mr. Ponder moved to approve with conditions.

This motion failed.

Mr. Small moved and Mr. Loring seconded the motion, which passed unanimously, to disapprove Institutional Overlay 2005P-029U-05, with the recommendation to Metro Council that they defer action on the overlay, pending more community meetings, and then re-refer the overlay back to the Commission. It was also recommended by the Commission that the College address the access across Gallatin Road, as well as the buffering along Douglas Avenue. **(8-0)**

#### **Resolution No. RS2005-448**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-029U-05 is **DISAPPROVED (8-0)**, with the recommendation to the Metro Council that the college address pedestrian access across Gallatin Road and buffering along Douglass Avenue, as well as the recommendation to the Council to re-refer the overlay district back to the Commission pending more community meetings. No new construction along Emmett Avenue shall be approved until Emmett Avenue is extended to Douglass Avenue, or as approved by Public Works if traffic counts indicate there is sufficient capacity to handle the development.**

**The proposed overlay lacks sufficient detail to address neighborhood concerns. The Commission also recommended that Metro Council refer the request back to Commission for review. The applicant needs to address access across Gallatin Road and buffering of the buildings to Douglas Avenue.”**

---

## IX. TEXT AMENDMENTS

### 3. **2005Z-056bT**

Council Number BL2005-648

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.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - Amend Zoning Code to permit signs with video and/or rapidly changing graphics or text when oriented to a four-lane or controlled access highway.

#### **ANALYSIS**

**Existing Law** - Except in the Commercial Amusement (CA) zoning district, the Zoning Code prohibits signs with copy or graphics that change more frequently than every two seconds. In May 2004 the Council adopted an ordinance to allow such signs in the CA zoning district. Prior to that time, signs with copy or graphics that change more frequently than every two seconds were prohibited throughout Davidson County. This type of sign includes displays with full-motion video.

**Proposed Text Change** - The proposed amendment would create a new exception to this general prohibition against signs with copy or graphics that change more frequently than every two seconds. It would permit video and/or rapidly changing text and graphics on permitted signs countywide, provided they are oriented to a four-lane or controlled access highway. Since the bill was originally introduced, the sponsor has publicly stated he would amend it to restrict such signs to state highways with a speed limit of 40 mph or less. The Executive Director of the Metro Planning Department received a letter from the sponsor dated August 17, 2005, indicating the same, but no amendment has yet been introduced or adopted by the Metro Council.

The ordinance, as currently on file, would amend the Zoning Code as follows:

Section 17.32.050

G. Signs with any copy, graphics, or display that change by electronic means, when the copy, graphics, or display does not remain fixed, motionless and nonflashing for a period of two seconds or more, provided that this provision shall not be applicable to any sign oriented to a four-lane or controlled access highway located within the CA district.

**Analysis** - Currently, changeable text and graphics on sign faces in most locations within Davidson County must remain static for at least two seconds. Sign copy that changes more rapidly, such as that seen in a video display, is currently permitted only in the CA district. An ordinance adopted by Council in May 2004 exempted the CA district from this restriction to allow video and other rapidly changing copy for use by the amusement, recreation, lodging, retail, and tourism uses affiliated with the CA district. By expanding this type of sign countywide, signs that display rapidly changing text or graphics would be permitted on any four-lane or controlled-access highway.

**Clarification** - The term "highway" is defined in the Metro Code as "every way [street] publicly maintained . . . [and] open to the use of the public for vehicular travel." Based on this definition, the proposed amendment would allow signs with video and/or rapidly changing text or graphics on any four-lane road in Metro. Currently, these signs are permitted only in the CA district, which is found only along portions of four roads: Briley Parkway, Pennington Bend Road, Music Valley Drive, and McGavock Pike.

With this proposed text amendment, many more roads will be permitted to have these kinds of signs, including, but not limited to:

West End Avenue, Old Hickory Boulevard, Bell Road, Nolensville Pike, Lebanon Pike, Dickerson Pike, 21<sup>st</sup> Avenue/Hillsboro Road, Thompson Lane, Charlotte Pike, Clarksville Pike, Antioch Pike, Mt. View Road, Blue Hole Road, Edmondson Pike, Andrew Jackson Parkway, Tulip Grove Road, Shute Lane, Ashland City Highway, Shelby Avenue, Harding Road, and White Bridge Road.

**Community Character** - Communities are shaped by many factors, both natural and man-made. Signs are an integral factor in shaping and preserving a community's character. People take pride in the places they live and identify with their neighborhood and community. As a result, a community's distinctive appearance plays an important role in shaping a

community's quality of life. A community's character can be irrevocably altered and potentially diminished when out-of-character signs are allowed.

When you drive into a community with design restrictions on signs, you immediately notice the effect on the community's character. Locally, while the municipal boundary between Davidson County and Williamson County is invisible, the border is clearly recognizable as you drive into Brentwood, in part, because of Brentwood's regulation of signage. As a driver, you notice signs are smaller, shorter and are less obtrusive. The resulting change in character is obvious. It is generally thought to be more visually calm and detracts less from the built environment.

The unique character of a community is easily altered by haphazard design. Over the past 15 years in Nashville, considerable effort and resources have been expended to improve the community's character by limiting the location of billboards, decreasing the height and size of signs, and removing visual clutter from the streets. In addition, development guidelines have been adopted for Nashville's neighborhoods and business districts to protect the unique and diverse community character and quality of life one finds in Midtown, Downtown, Hermitage, Donelson, Bellevue, Joelton, Green Hills, etc. As an integral element of a community, signs should help to define, but not alter, the distinctive character of a community.

**BL2005-633** - Another bill addressing allowable signs, BL2005-633 (2005-056aT) was adopted by the Metro Council and became effective on June 29, 2005. That bill permits larger signs along controlled-access highways. If this bill were adopted, larger signs with video and rapidly changing text and graphics would be permitted along Briley Parkway, Ellington Parkway, and the interstates.

**Staff Recommendation** - Disapprove. This text amendment provides signs that are excessively attention-getting because of their method of message display. By permitting these signs to locate countywide, additional distractions will be erected along heavily traveled roadways which will result in an increase in the visual clutter along Nashville's major thoroughfares and will dramatically alter community character across Davidson County.

If a bill is approved to allow more signs with video and/or rapidly changing text and graphics, staff recommends that the signs not be permitted along every four-lane highway in Davidson County. Some consideration of factors such as the posted speed limit and community character should be included.

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

Mr. Loring spoke in favor of approving the amendment. He stated that the signs are new technology and will not change the quality of life for residents. He moved for approval of the amendment.

Ms. Jones spoke of the amendment being too general and suggested there might be another amendment necessary to address the issues associated with it.

Mr. Small mentioned that the cost of the sign would warrant their placement in areas with high visibility. He stated he sees this amendment as an introduction of new technology for signs and he is not associating it with any safety issues.

Ms. Nielson stated that any enhancements that are made to the sign ordinance would dilute the original ordinance that was adopted in the efforts to help clean up the city. She mentioned that the areas where these signs would be permitted already have other issues that need to be addressed.

Mr. McLean requested additional information regarding the type of signs being proposed and their affect it would have on the driving community.

Mr. Bernhardt explained that this ordinance was not being recommended for disapproval due to traffic or safety concerns. He stated it was being disapproved due to community character and aesthetics.

There was a brief discussion regarding this ordinance and other areas of the city that may already contain this type of sign. There was also discussion regarding the types of images that would be displayed with this new ordinance.

Mr. Tyler spoke of the aesthetics of the sign.

Mr. Ponder requested additional information pertaining to the placement of these signs. He stated he was not really in favor of approving the ordinance.



Mr. Loring moved and Mr. McLean seconded the motion to approve Council Bill 2005Z-056bT.

Mr. McLean requested additional information regarding placement of additional signage if this ordinance was amended.

Mr. Bernhardt stated that the ordinance would not allow additional locations for signs. It would allow a business owner to change out an existing on-premise sign for a video sign that advertises the business or products sold at that particular business.

The motion failed.

Ms. Nielson moved, and Mr. Tyler seconded the motion, to adopt staff recommendation to disapprove council bill 2005Z-056bT. **(7-1) No Vote -- Loring**

Mr. Ponder suggested that those interested in amending this ordinance should continue to study the issue and possibly place more restrictions on the locations of where these signs could be placed throughout the City.

#### **Resolution No. RS2005-449**

“BE IT RESOLVED by The Metropolitan Planning Commission that Text Amendment 2005Z-56bT is **DISAPPROVED**.  
**(7-1)**

**The Bill would allow for signs that are more distracting thus possibly jeopardizing motorist safety.”**

4. **2005Z-184T-09**  
Maps 093-06, 093-07, 093-10, Parcel Various,  
Maps 093-11, 093-15, Parcels Various  
Subarea 9 (1997)  
District 19 - Ludye N. Wallace

A request to amend the Rutledge Hill Redevelopment District to include parcel 041 of tax map 093-07, increase TIF capacity by 20 million dollars, and consolidate two mixed use land use categories into one, requested by MDHA.

#### **Staff Recommendation: Approve**

**APPLICANT REQUEST** - Amend the Rutledge Hill Redevelopment Plan to include parcel 041 of tax map 093-07, increase Tax Increment Financing capacity by 20 million dollars, and consolidate two mixed use land use categories into one.

**Details** - The Metropolitan Development and Housing Agency (MDHA) has proposed to amend the Rutledge Hill Redevelopment plan in several ways. One change will increase the amount of Tax Increment Financing available, which has negligible or no land use policy implications.

A second change will add a parcel of land that is currently envisioned for a future Sounds stadium, which is the current thermal site, located at the southeast corner of Shelby Avenue and 1<sup>st</sup> Avenue (map 093-07, parcel 041). The Rutledge Hill Redevelopment District is shown on the sketch accompanying this staff report.

The MDHA plan carries forward the same permitted land uses as adopted in the original redevelopment district plan, with some minor modifications, and will consolidate two of the plan’s mixed use land use categories **into one**.

#### **NORTH NASHVILLE COMMUNITY PLAN POLICY**

**Land Use Policy** - The minor changes proposed to the Rutledge Hill Redevelopment Plan are consistent with the Nashville Downtown Community plan and the various specific sub-policy areas of this plan that currently govern the properties within the existing redevelopment district. The specific policy areas that apply to these properties are the following:

- Mixed Use area 3A
- Central Business District area 6A
- Commercial Mixed Concentration area 5A

The vast majority of these properties to the north and south of Hermitage Avenue have a Mixed Use land use policy in the community plan. There is a portion of the Rutledge Hill Plan to the northwest that falls within the Central Business

District. Lastly, there are a couple of blocks on the southwest of the Rutledge Hill Plan which have a Commercial Mixed Concentration policy, largely to recognize the existing commercial zoning. The Rutledge Hill Plan's land use category designations across the redevelopment district of "General Business," "General Residential," "Mixed Use", and "Public Use" are consistent with all three sub-policy areas of the Downtown Community Plan.

The adopted community plan for these parcels is generally less restrictive than the Rutledge Hill Redevelopment district plan. MDHA and Planning staff concur that in any given instance, the more restrictive of the two regulatory plans will apply.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-450**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-184T-09 is **APPROVED (8-0)**.

**The request to amend the Rutledge Hill Redevelopment Plan is consistent with the Subarea 9 Plan and the various specific sub-policy areas of the plan that govern the properties."**

**5. 2006Z-003T**  
BL2005-864

A council bill amending Section 17.40.410 of the Metro Zoning Code relative to demolition of residential structures, sponsored by Councilmember Pam Murray.

**Staff Recommendation: Approve**

**REQUEST** -Amend Zoning Code Section 17.40.410, Powers and Duties of Historic Zoning Commission, to authorize the Historic Zoning Commission to determine whether a structure for which a demolition permit is sought meets the criteria of T.C.A. §7-51-1201 – historic residential structures – which requires Metro Council approval for demolition.

**Amend 17.40.410 Historic Zoning Commission Powers and Duties**

**Add a new subsection F, which shall read:**

"Compliance with T.C.A. §7-51-1201 et seq. For the purposes of complying with T.C.A. §7-51-1201 et seq., the Historic Zoning Commission shall determine whether a structure for which a demolition permit has been applied meets the criteria of T.C.A. § 7-51-1201. If the Historic Zoning Commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the Metropolitan Council the opportunity to approve or disapprove the demolition in accordance with T.C.A. §7-51-1201 et seq."

**BACKGROUND**-Following the recent demolition of Evergreen Place, Metro Codes Department and Metro Historic Zoning Commission have drafted three ordinances to create a process for considering demolition of historic properties and clarify the role of each Department and Metro Council in approving demolition permits for historic structures.

This staff report includes an overview of each of the ordinances to clarify how the three ordinances work together, however, only ordinance BL2005-864 is under consideration by Metro Planning Commission. The other two ordinances have been referred to the Metro Council Codes Committee

**OVERVIEW OF ORDINANCES**

**BL2005-864** - BL2005-864, the ordinance before the Metro Planning Commission, is authorizing legislation. It amends the portion of Zoning Code that outlines the Powers and Duties of the Metro Historic Zoning Commission (MHZC). The duties are amended to state that MHZC is the entity charged with determining whether a residential structure meets the criteria in state law to require Metro Council approval for its demolition.

**Tennessee Code Annotated (TCA) § 7-51-1201** "Restrictions on demolition of residential structures – Approval of demolition" states that no residential structure may be demolished, without Metropolitan Council approval, if it meets the following criteria:

1. The residential structure was originally constructed before 1865;
2. The residential structure is repairable at a reasonable cost; and

3. The residential structure has a historical significance besides age itself, including, but not limited to, uniqueness of architecture, occurrence of historical events, notable former residents, design by a particular architect, or construction by a particular builder.

*Note:* MHZC understands that “residential structure” in this section of the Tennessee Code refers to the historic use of the structure, which may have originally been built as a residential structure or has been used as a residence historically. This is not to be confused with any current use being made of the structure. The historic use will trigger review per TCA § 7-51-1201.

**BL2005-862** - This ordinance (referred to Metro Council’s Codes Committee and not reviewed by the Metro Planning Commission) creates a process for determining if the structure to be demolished meets the criteria in TCA § 7-51-1201. The process is as follows:

1. When a demolition permit is sought for a structure built before 1865, the permit must be accompanied by reports to Metro Codes and MHZC with an assessment of the structure’s condition, an estimate of the cost of repair and the appraised value of the structure.
2. MHZC will hold a public hearing to get input from owners, neighbors, and interested citizens.
3. MHZC will determine if the structure meets the TCA criteria. If it does not, a demolition permit will be issued. If it does, MHZC will initiate legislation to allow the Metro Council to approve or disapprove demolition.

**BL2005-863** - This ordinance (referred to Metro Council’s Codes Committee and not reviewed by the Metro Planning Commission) creates a review period of up to 90 days for demolition permits for properties listed on, or eligible for, the National Register of Historic Places and/or meeting the criteria of TCA § 7-51-1201 above.

The review period is designed to provide the MHZC and the owner of the property time to discuss alternatives to demolition and/or mitigation of the loss of the structure such as documentation of the structure’s value, relocation of the structure, salvaging of materials from the structure, etc.

**ANALYSIS – BL2005-864** - This authorizing legislation serves as a companion bill to BL2005-862. BL2005-862 creates a process whereby Metro Codes and MHZC can implement existing Tennessee state law to engage Metro Council to make the decision on the demolition of residential structures deemed historic per specific criteria listed in TCA § 7-51-1201.

BL2005-864 amends the powers and duties of MHZC to include a provision stating that MHZC is the Metro entity authorized to make the decision as to whether the residential structure meets the criteria listed in TCA § 7-51-1201 and, thus, must have its demolition approved by Metro Council.

MHZC estimates that there are approximately 100 pre-1865 residential structures in Davidson County that, if their owners sought to demolish them, could be impacted by these three ordinances.

MHZC estimates that there are approximately 6,000 structures in Nashville/Davidson County that are listed on, or eligible for listing, on the National Register.

Metro Planning has received letters in support of the three ordinances from Metro Codes Department and MHZC.

**RECOMMENDATION** - Approve. BL2005-864, in conjunction with its companion bills, capitalizes on the power vested by state law in Metro Government to carefully weigh demolition decisions involving historic structures creating a process that will facilitate conversation on the future of these structures.

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

**Resolution No. RS2005-451**

“BE IT RESOLVED by The Metropolitan Planning Commission that Text Amendment 2006Z-003T is **APPROVED. (8-0)**

**The request and companion bill capitalizes on the power vested by state law in Metro Government to carefully weigh demolition decision involving historic structures, helping to ensure their conservation.”**

---

Mr. Clifton arrived at 4:00 p.m.

---

## **X. PUBLIC HEARING: ZONING MAP AMENDMENTS**

### **6. 2005Z-180U-07**

Maps 103-03, 103-04, 103-07, 103-08, 091-15, Parcels Various  
Maps 091-14, 091-16, 104-01, 104-05, Parcels Various  
Subarea 7 (2000)  
District 24 - John Summers

A request to apply a Neighborhood Conservation Overlay district to various properties in the Sylvan Park area (612.57 acres), requested by Council member John Summers, for various property owners.

**Staff Recommendation: Approve provided the Metro Historical Zoning Commission has approved the proposed district boundaries and guidelines**

**APPLICANT REQUEST** - Request to apply a Neighborhood Conservation Overlay district to 1,765 properties in the Sylvan Park area (612.57 acres).

#### **Existing Zoning**

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

**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.

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

**OR20 District** - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

**CN District** - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**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.

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

#### **Proposed Overlay District**

**Neighborhood Conservation Overlay District (NCO)**- Section 17.36.120 of the Metro Zoning Ordinance recognizes the Neighborhood Conservation district [along with the Historic Preservation and Historic Landmark districts] as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or

5. It is listed or is eligible for listing in the National Register of Historic Places.

#### **WEST NASHVILLE COMMUNITY PLAN**

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

**Major Public Open Space** - MPOS policy is intended to accommodate existing major public recreational and open space areas for active and passive use. The primary types of land use in MPOS policy are recreational activities that are accessible to the general public on land that is under public ownership or control.

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

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

**Specific Policy Areas** - The area proposed for the conservation overlay district consists of several different zone districts and land use policies. The area policies listed above are further broken down into more site specific policies, and are discussed below.

**RM-5B** -The majority (<99%) of the area proposed for the overlay is designated in the RM5B residential policy. The policy describes this area as historically significant. Specifically it says that many of the properties in this area have been determined to be either “National Register Eligible” or “Worthy of Conservation”. It further recommends that the Historic Commission work with local residents, and if supported by local residents, a Neighborhood Conservation district be applied, which would protect the character of the area.

**CAE-7B** - Only three properties are located within the CAE policy. The largest property is Richland Park, and the other two, St. Ann Roman Catholic Church and the Park Avenue Baptist Church are both designated as “Worthy of Conservation”.

**CMC-9A**- There are only ten properties within the proposed overlay that are designated with CMC policy (a few other lots are partially designated with CMC and RM). The CMC-9A policy specifies the adjacent RM-5B policy area, which makes up a majority of the area proposed for this overlay as a sensitive area, and suggests that special attention should be considered with zone changes and development so that the appropriate transition is provided between this CMC policy area and the RM policy area.

**Policy Conflict** - No. The Conservation Overlay District does not change the existing base zone districts, but provides additional restrictions that help protect the character of the area. The majority of the area requested for the overlay is identified as historic in nature by the West Nashville Community Plan.

**Metro Historic Zoning Commission Recommendation** - The Metro Historical Zoning Commission is scheduled to consider this item prior to the Planning Commission. Staff will provide an update at the meeting.

Staff Recommendation-While there are many homes and structures within this proposed overlay that are not historical in nature, the West Nashville Community Plan identifies a majority of the area as an area where a Conservation Overlay should be applied if supported by the community. The areas that do not fall within a policy that specifically recommends such an overlay do, however cite their relationship with the Sylvan Park neighborhood, and that any proposed zone change or development should provide an appropriate transition. Staff recommends that the application be approved provided that the Metro Historic Zoning Commission has approved the proposed district boundaries and Guidelines.

#### **PUBLIC WORKS RECOMMENDATION-No Exceptions Taken**

Mr. Swaggart presented and stated that staff is recommending approval, as the Metro Historic Zoning Commission has approved the proposed district boundaries and guidelines.

Mr. Clifton announced that he has a business association with a state group that is concerned, in general, with historic

preservation. The association does not do advocacy work on zoning issues in Davidson County, and he has not spoken to the group regarding this matter. He has been informed by attorneys that this is not a natural conflict. He asked if there was anyone in the room that would object to his hearing and voting on the issue.

There was no one present who had an objection.

Mr. Steve Fouche, 4609 Park Avenue, spoke in opposiiton to the overlay.

Mr. Robert Stack, 4208 Wyoming Avene, spoke in opposition to the overlay.

Mr. Joe Beckham, Jr., 4001 B. Westlawn Drive, spoke in opposition to the overlay.

Ms. Pat Lynch, 5002 Wyoming Avneue, spoke in favor of the overlay.

Mr. David DiPersio, 4913 Wyoming Avenue, spoke in opposition to the overlay.

Ms. Alison Fuller, 4800 Nevada, spoke in opposition to the overlay.

Mr. Earl Beasley, 109 38th Avenue North, spoke in opposition to the overlay.

Mr. Bernard Pickney, 4606 Dakota Avenue, spoke in support of the overlay.

Ms. Nancy Odell, 4711 Park Avenue, spoke in favor of the overlay.

Mr. Wendell Goodman, 4901 Park Avenue, spoke in favor of the overlay.

Mr. Don Trenner, 4005 Colorado Avenue, spoke in opposition to the overlay.

Ms. June McHue, 4205 Wyoming Avenue, spoke in opposition to the overlay.

Mr. Mark Lambert, 4302 Utah Avenue, spoke in opposition to the overlay.

Ms. Leslie Riley, 4207 Wyoming Avenue, spoke in opposition to the overlay.

Ms. Katherine Beasely, 5111 Dakota Avenue, spoke in opposition to the overlay.

Ms. Daphne Finney, 4307 Wyoming Avenue, spoke in favor of the overlay.

Ms. Linda McFadgen-Ketchum, 5201 Park Avenue, spoke in favor of the overlay.

Mr. Will Sanford, 150 41st Avenue North, spoke in opposition to the overlay.

Ms. Janet Younts, 206 51st Avenue North, spoke in favor of the overlay.

Mr. Robert Terry, 936 Neuhoff Lane, spoke in opposition to the overlay.

Mr. Jason Holleman, 4509 Nebraska Avenue, spoke in support to the overlay.

Ms. Gayle Brinker, 4610 Elkins Avenue, spoke in favor of the overlay.

Ms. Susan Rogers, 5311 Elkins Avenue, spoke in favor of the overlay.

Ms. Beth Fortune, 4900 Elkins Avenue, spoke in favor of the overlay.

Mr. Doug Eckert, 4311 Wyoming Avenue, spoke in opposition to the overlay.

Mr. Martin Kooperman, 118 Bowling Avenue, spoke in opposition to the overlay.

Mr. Ed Hamlet, a resident of Nebraska Avenue, expressed issues with the overlay.

Mr. Gruff Haver expressed issues with the overlay.

Mr. John Dean, 4410 Murphy Road, spoke in opposition to the overlay.

Mr. Patrick Merkel, 4203 Dakota Avenue, spoke in favor of the overlay.

Mr. Patrick Terry, 903 Neuhoff Lane, spoke in opposition to the overlay.

Ms. Elaine Hackerman, 4701 Utah Avenue, spoke in favor of the overlay.

Ms. Lisa Ferris, 4205 Idaho Avenue, spoke in opposition to the overlay.

Mr. Nick Bailey, 4700 Elkins, spoke in favor of the overlay.

Ms. Kathryn Hearne, 4102 Utah Avenue, spoke in opposition to the overlay.

Mr. David Baird, 5007 Wyoming Avenue, spoke in opposition to the overlay.

Councilmember Summers spoke in favor of the proposal. He reminded Commissioners that the proposed overlay is adjacent to two other historic districts which have already been approved by the Commission. He stated that the overlay meets all the criteria under the Federal and State law for historic districts and is also in compliance with the subarea plan. He stated that a extensive canvass was completed in the area and that 65% of the residents were in favor of approving the overlay. He requested the support of the recommendation.

Mr. Ponder acknowledged the high emotion of the residents of the community. He stated he was in favor of preserving the historic nature of the area and that he would support the overlay.

Mr. Tyler requested additional information regarding the number of historic homes included in the neighborhood.

Mr. Tim Walker, of the Metro Historic Commission, stated that 57% of the homes in this neighborhood are considered historic.

Mr. Tyler then requested clarification on where the historic homes were located within the proposed overlay.

Mr. Walker stated that that there are concentration areas of these homes, but generally they are scattered throughout the area. He stated that the Councilperson wanted to place defined, geographical boundaries for the area.

Mr. Clifton requested additional information on the design control on the non-contributing homes.

Mr. Walker explained the design controls that would be implemented within the overlay district.

Mr. Clifton then requested additional information on the three questions posed to the Commissioners that could be used to assist in their decision on whether an area should constitute an overlay.

Mr. Clifton then spoke of the Commission's role in determining this overlay.

Mr. McLean spoke of the adjacent overlays that are currently propering as a community. He then spoke of property rights of the individuals within the overlay and stated they should be given the right to opt out if they do not want to be included in the overlay.

Ms. Nielson agreed that the Commission's role is to evaluate the land use of the area and determine whether it conforms to the General Plan.

Mr. Small acknowledged both sides of the issue associated with the overlay. He too agreed that it is not the Commission's role to determine historic value and/or the percentages of those for or against the overlay. He stated he still had questions regarding the boundaries that were set, how the historic nature of parks is determined, as well as how the commercial and retail area would relate to the historical nature of the properties.

Ms. Jones stated she supports the overlays because they protect communities. She stated that in comparison, this overlay was large in size and contained a lower percentage of historic homes, thus making it more difficult. She spoke of the

pocket areas that would need preservation as well as others not in need.

Mr. Loring spoke in favor of the overlay and moved for approval.

There were additional comments from Mr. McLean and Mr. Clifton regarding this overlay.

Mr. Small questioned how the boundaries of the overlay were evaluated.

Ms. Nielson explained that the boundaries were determined and then given to the Historic Commission for evaluation.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve staff recommendation to approve Zone Change 2005Z-180U-07. **(8-1) No Vote – Jones**

**Resolution No. RS2005-452**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-180U-07 is **APPROVED. (8-1)**

**The request to apply a Neighborhood Conservation Overlay to the Sylvan Park area is consistent with the West Nashville Community Plan.”**

Mr. Lawson announced that under Item #VII – General Plan and Community Plan Amendment, there were two items that could be placed on the Consent Agenda. These items were not to be voted on until after 4:00 p.m. They were: the proposal to Amend the Joelton Community Plan: 2003 Update for the Former Morny Elementary School Site, as well as the Proposal to Amend the Bordeaux-Whites Creek Community Plan: 2003 Update, involving the former Wade Elementary School Site and other nearby properties.

He also announced that Item #19 – Neighborhood Landmark Overlay 2005NL-001G-03 could also be placed on the consent agenda. It too could not be voted on until 4:00 p.m.

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to place Items #2 and #3 that were listed under the General Plan and Community Plan Amendments, as well as Item #19 – Neighborhood Landmark Overlay, 2005NL-001G-03 on the Consent Agenda. (9-0)

Mr. Lawson left the meeting at 5:10 p.m.

The Commission recessed at 5:05 p.m.

The Commission resumed at 5:25 p.m.

7. **2005Z-182U-10**  
Map 104-13, 103, 16,104-09, Parcel Various  
Subarea 10 (2005)  
District 24 - John Summers

A request to apply a Neighborhood Conservation Overlay district to various properties in the Whitland area (70.34 acres), requested by Councilperson John Summers, for various property owners.

**Staff Recommendation: Approve provided the Metro Historical Zoning Commission has approved the proposed district boundaries and guidelines**

**APPLICANT REQUEST** - Request to apply a Neighborhood Conservation Overlay district to 203 properties in the Whitland Neighborhood area (70.34 acres).

**Existing Zoning**

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

**Proposed Overlay District**



**Neighborhood Conservation Overlay District (NCO)** Section 17.36.120 of the Metro Zoning Ordinance recognizes the Neighborhood Conservation district [along with the Historic Preservation and Historic Landmark districts] as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

**GREEN HILLS – MID TOWN COMMUNITY PLAN**

**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 town-homes and other forms of attached housing may be appropriate.

**Policy Conflict** - No. The Conservation Overlay Districts does not change the existing base zone districts, but provides additional restrictions that work to protect the character of the area. The 2005 Green Hills – Mid Town Community Plan identifies the Whitland Community as containing numerous historic resources. In addition, the Green Hills/Midtown Plan discusses the need to preserve and protect established residential areas, especially in reference to the physical and social conditions of older residential communities

**Metro Historic Zoning Commission Recommendation** - The Metro Historic Zoning Commission is scheduled to consider this item prior to the Planning Commission meeting. Staff will provide an update at the meeting.

**Staff Recommendation** - Staff recommends that the application be approved provided that the Metro Historic Zoning Commission has approved the proposed district boundaries and Guidelines.

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken

Mr. Swaggart presented and stated that staff is recommending approval, as the Metro Historic Zoning Commission has approved the proposed district boundaries and guidelines.

Mr. Clifton announced that he has a business association with a state group that is concerned, in general, with historic preservation. The association does not do advocacy work on zoning issues in Davidson County, and he has not spoken to the group regarding this matter. He has been informed by attorneys that this is not a natural conflict. He asked if there was anyone in the room that would object to his hearing and voting on the issue.

There were none.

Mr. Bill Pryor, Rolland Road, spoke in opposition to the overlay.

Mr. Robert Lott, 209 Craighead, spoke in opposition to the overlay.

Ms. Anne Carr, 231 Carden Avenue, spoke in support of the overlay.

Mr. Cyril Stewart, 3813 Whitland, spoke in support of the overlay.

Mr. Bill Patterson, 220 Leonard Avenue, spoke in support the overlay.

Ms. Stephanie Edwards, 227 Carden Avenue, spoke in support of the overlay.

Mr. John Lott, 224 Leonard Avenue, spoke in opposition to the overlay.

Mr. Robert Buchanan, 3800 Brighton Road, spoke in opposition to the overlay.

Ms. Peggy Lott, 209 Craighead Avenue, spoke in opposition to the overlay.

Ms. Carrington Fox, 228 Craighead Avenue, spoke in opposition to the overlay. She submitted information to the Commission.

Ms. Kim Fennell, 224 Leonard Avenue, spoke in opposition to the overlay.

Mr. Andrew Caldwell, 208 Cantrell Avenue, spoke in opposition to the overlay.

Ms. Elizabeth Fox, 3812 Whitland Avenue, spoke in favor of the overlay.

Ms. Catharine Hollifield, 204 Cantrell Avenue, spoke in opposition to the overlay.

Mr. Bob Lyons, 229 Leonard Avenue, spoke in support of the overlay.

Councilmember Summers addressed the Commission. He spoke in favor of the overlay. He stated this proposed overlay meets all the state and federal requirements as well as the subarea plan. He stated that he has polled the neighbors who would be affected by this overlay and 75 percent were in favor of its approval. He explained the portions of the district which were not included in the overlay. He requested the Commission's approval.

Mr. McLean requested clarification regarding the boundaries of the overlay.

Councilmember Summers explained the boundaries of the overlay.

Ms. Nielson also requested clarification on the boundaries included in the overlay.

Mr. Tim Walker explained the boundaries as approved by the Metro Historical Commission.

Mr. McLean spoke in favor of the overlay due to the integrity of the neighborhood. However, he had expressed issues with the boundaries, property rights, etc.

Mr. Clifton acknowledged the issues associated with the Rolland Road boundaries. He noted that the overlay is compatible with the subarea plan and can be supported.

Ms. Jones stated that this overlay has the support and the much needed consistency, and she stated was in favor of its approval.

Mr. Ponder moved and Mr. Loring seconded the motion to approve staff recommendation and approve the Neighborhood Conservation Overlay 2005Z-182U-10. **(8-0)**

**Resolution No. RS2005-453**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-182U-10 is **APPROVED. (8-0)**

**The request to apply a Neighborhood Conservation Overlay to the Whitland area is consistent with the Green Hills – Mid Town Community Plan.”**

---

Mr. Tyler left the meeting at 7:00 p.m.

Ms. Jones left the meeting at 7:00 p.m.

Mr. Brooks Fox left the meeting at 7:00 p.m.

Ms. Margaret Holleman arrived at 7:00 p.m.

---

Map 104-06, 104-07, 104-10, 104-11,104-14,104-15, Parcels Various  
Subarea 10 (2005)  
District 18 - Ginger Hausser

A request to apply a Neighborhood Conservation Overlay district to various properties in the Hillsboro-West End area, between Blakemore Avenue and Interstate 440 (111.94 acres), requested by Councilperson Ginger Hauser, for various property owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - Request to apply the Neighborhood Conservation Overlay district to 457 properties (111.94 acres) in the Hillsboro-West End area.

**Existing Zoning**

**R8 district** - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

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

**Proposed Overlay District**

**Neighborhood Conservation Overlay District (NCO)** - Section 17.36.120 of the Metro Zoning Ordinance recognizes the Neighborhood Conservation district [along with the Historic Preservation and Historic Landmark districts] as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

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

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

The Metro Historic Zoning Commission has concurred with Planning Department staff that given that the MHZC's design review process for these parcels is more restrictive than the Green Hills/Midtown Community Plan, the more restrictive Metro plan shall apply to them.

**National Register Historic Properties** -All but one single-family lot, and four attached multifamily units are already recognized as National Register Historic Properties. Thus, almost all of the properties proposed for this overlay already meet criterion #5 above.

**Policy Conflict** - No. The Neighborhood Conservation Overlay district does not change the existing base zone districts—the existing residential only uses—but provides additional restrictions that protect the character of the area. In addition, the Green Hills/Midtown Plan discusses the need to preserve and protect established residential areas, especially in reference to the physical and social conditions of older residential communities.

**Metro Historic Zoning Commission Recommendation** -The Metro Historic Zoning Commission recommended the approval of the Hillsboro-West End Neighborhood Conservation Overlay District on November 30, 2005, as well as adopted design guidelines for the proposed district. Some highlights of the MHZC recommendation:

- Of the 1,270 buildings in the 1993 survey done for the nomination to the National Register of Historic Places, 996 buildings were found to be contributing to the historic character of the neighborhood.
- Historic homes in this proposed overlay include Bungalow and Tudor Revival styles, as well as Colonial Revival and the subtype of Dutch Colonial style.
- The proposed NCO district is historically significant based upon the standards in the Zoning ordinance, as its proposed boundaries include 458 properties that fall within the Hillsboro-West End National Register District. Approximately 80 percent of the proposed properties are deemed historic (built prior to 1945) with the majority of the structures being built from 1910s to 1945.
- The proposed NCO district's design guidelines are in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as the draft guidelines based upon the Secretary of the Interior's Standards. Existing Neighborhood Conservation District Design Guidelines were used as templates for the Hillsboro-West End draft guidelines.
- Additionally, the neighborhood has collected or received petitions from 68 percent of the property owners within the proposed boundaries. Of those responding, 86 percent are in favor of the proposed overlay.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - This overlay does not change in uses. No Exceptions Taken.

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

Mr. Clifton announced that he has a business association with a state group that is concerned, in general, with historic preservation. The association does not do advocacy work on zoning issues in Davidson County, and he has not spoken to the group regarding this matter. He has been informed by attorneys that this is not a natural conflict. He asked if there was anyone in the room that would object to his hearing and voting on the issue.

There was no one present who had an objection.

Ms. Margaret Brennan, 2719 Wortham Avenue, spoke in favor of the overlay.

Mr. Hunter Moore, 2115 Natchez Trace, spoke in favor of the overlay.

Ms. Burkley Allen, 3521 Byron Avenue, spoke in favor of the overlay.

Ms. Suzanne Elmer, 3003 Blakemore Avenue, spoke in support of the overlay.

Mr. Phil Thomason, 2507 Blair Blvd., spoke in support of the overlay.

Mr. Keith Merrill, 2520 Fairfax Avenue, spoke in opposition to the overlay.

Mr. John Teselle, 405 Fairfax Avenue, spoke in favor of the overlay.

Ms. Irish Park, 2907 Westmoreland Drive, spoke in favor of the overlay.

Mr. Tom Cash, 3104 Acklen Avenue, spoke in favor of the overlay.

Ms. Miriam Perry Mimms, 2410 Blair Blvd., spoke in favor of the overlay.

Mr. Gordon Gilbreath, 2601 Barton Avenue, spoke in favor of the overlay.

Mr. Gino Marchetti, 1908 Natchez Trace, spoke in opposition to the overlay.

Mr. Tom Grooms, 2605 Barton Avenue, spoke in favor of the overlay.

Councilmember Hausser spoke in favor of the overlay. She stated that the neighborhood qualifies and is on the National Historic Register. She stated that the neighborhood is in support of the overlay.

Ms. Nielson requested clarification on the streets included in the overlay.

Mr. Ponder spoke in favor of the proposal.

Mr. Clifton spoke in favor of the proposal.

Mr. McLean spoke in favor of the proposal. He stated he agreed in preserving the integrity of the neighborhood but stated he has reservations regarding the rights of individual property owners.

Mr. Loring spoke in favor of the proposal.

Mr. Nielson moved and Mr. Loring seconded the motion, which passed unanimously, to approve Neighborhood Conservation Overlay 2005Z-181U-10. **(6-0)**

**Resolution No. RS2005-454**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-181U-10 is **APPROVED. (6-0)**

**The request to apply a Neighborhood Conservation Overlay to Hillsboro –West End area is consistent with the Green Hills – Mid Town Community Plan.”**

**9. 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.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - Rezone 26.34 acres from agricultural/residential (AR2a) to residential single-family (RS15) district at Preston Road (unnumbered), 5814 Pettus Road, and Pettus Road (unnumbered).

**Existing Zoning**

**AR2a district** - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning district would permit approximately 13 homes total on this site.

**Proposed Zoning**

**RS15 district** - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The proposed zoning district would permit approximately 65 homes total on this site.

**SOUTHEAST COMMUNITY PLAN**

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

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

**Policy Conflict** - The proposed RS15 district is consistent with the Southeast Community Plan’s RLM policy intended for residential development at a density of two to four dwelling units per acre. There is a portion of property included in the NCO policy due to floodplain.

**Infrastructure Deficiency Area Language (updated on 10/27/05)** - The Commission recommended disapproval of this proposal on August 25, 2005. The project scored a “4” on the infrastructure deficiency checklist in use by staff at that time for review of projects within the Infrastructure Deficiency Area. This proposal is now before the Commission for consideration under the updated infrastructure deficiency policy adopted by the Commission on October 27, 2005.

With the updated infrastructure deficiency area policy, the applicant would be required to improve 342.42 feet of roadway in this area. The amount of required footage for roadway improvements is determined by the requested amount of acres for rezoning and the land use policy. Each land use policy has a required amount of feet for roadway improvements per acre and in this case the land use policy is RLM and requires 13 feet/acre. The proposal shall also include the following conditions in the Council bill:

1. All designated collector/arterial and required street connections within the subject property shall be constructed.
2. All site-related roadway improvements required by the Department of Public Works shall be constructed.
3. Any required right-of-way within the project site that is identified as necessary to meet the adopted roadway plans shall be dedicated.
4. In order to accommodate additional traffic volumes, the applicant shall improve major roadways (or an equivalent transportation improvement) within the identified infrastructure deficiency area to a level acceptable to the Department of Public Works. Such improvements shall be undertaken within available right-of-way and at a level commensurate with the development entitlements appropriate on the site.

**RECENT REZONINGS**-Parcels to the south were rezoned from AR2a to RS10 in January 2005, by Metro Council. The Planning Commission recommended approval in October 2004.

**PUBLIC WORKS RECOMMENDATION** - No exception taken. Additional right-of-way dedication and/or reservation may be required along existing street(s) at development.

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	26.37	0.5	13	160	19	18

**Typical Uses in Proposed Zoning District: RS15**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	26.37	2.47	65	700	49	73

**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
--			52	540	30	55

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     11 Elementary   9 Middle     8 High

**Schools Over/Under Capacity** - Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and capacity at another high school in an adjacent cluster (Glencliff). This information is based upon data from the school board last updated August 2, 2005.

**CONDITIONS**

1. All designated collector/arterial and required street connections within the subject property shall be constructed.
2. All site-related roadway improvements required by the Department of Public Works shall be constructed.
3. Any required right-of-way within the project site that is identified as necessary to meet the adopted roadway plans shall be dedicated.
4. In order to accommodate additional traffic volumes, the applicant shall improve major roadways (or an equivalent transportation improvement) within the identified infrastructure deficiency area to a level acceptable to the Department of Public Works. Such improvements shall be undertaken within available right-of-way and at a level commensurate with the development entitlements appropriate on the site.

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

**Resolution No. RS2005-455**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-059G-12 is **APPROVED WITH CONDITIONS (8-0)**”

**Conditions of Approval:**

1. All designated collector/arterial and required street connections within the subject property shall be constructed.
2. All site-related roadway improvements required by the Department of Public Works shall be constructed.
3. Any required right-of-way within the project site that is identified as necessary to meet the adopted roadway plans shall be dedicated.
4. In order to accommodate additional traffic volumes, the applicant shall improve major roadways (or an equivalent transportation improvement) within the identified infrastructure deficiency area to a level acceptable to the Department of Public Works. Such improvements shall be undertaken within available right-of-way and at a level commensurate with the development entitlements appropriate on the site.

**The proposed RS15 district and associated PUD plan are consistent with the Southeast Community Plan’s Residential Low Medium policy, which is intended to accommodate residential development within a density range of two to four dwelling units per acre.”**

- 10. 2005P-018G-12**  
 Preston Estates PUD  
 Map174-00, Parcel 13, 126, 127, P/O 220  
 Subarea 12 (2004)  
 District 32 - Sam Coleman

A request for preliminary approval for a Planned Unit Development district located at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered), (26.34 acres), classified AR2a 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.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary PUD**

Request for preliminary PUD approval to permit 39 single-family lots within a Planned Unit Development district on 26.34 acres, at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered).

**ZONING & LAND USE POLICY**

**Existing Zoning**

AR2a - This request for preliminary PUD approval is associated with a zone change request to change from AR2a to RS15.

**Southeast Community Plan Residential Low Medium Land Use Policy**-The proposed RS15 zoning district is consistent with the RLM policy intended for residential development at a density of two to four dwelling units per acre.

## **PLAN DETAILS**

**Site Design** - The plan proposes 39 single-family lots with lot sizes ranging from 15,000 square feet to 33,938 square feet.

**Access** - Access to the subdivision is proposed off of Preston Road with two lots fronting on Pettus Road and one fronting on Preston Road. As per the Subdivision Regulations, the lots on Pettus shall have shared driveways since it is a collector street. A stub street is not proposed to the south since that is the location for a new school in the Antioch Cluster. Stub streets are provided to the north and east.

**Open Space-Bike/Walking Paths** - Open space is proposed at the intersection of Preston Road and the new road (Preston Place). This is not a cluster lot option subdivision, however.

A bike/walking path is proposed to the south that would connect to the future extension of the Mill Creek greenway plan. The plan proposes a Dedicated Conservation Greenway Public Access Trail Easement Area that should be labeled as 25' easement area.

**Cul-de-Sacs** - All the proposed cul-de-sacs are over the length of 150' and would require a landscape median within the 100' pavement area, as per Planning and Metro Fire requirements.

**Stormwater** - There is currently a 40-acre drainage area on the eastern boundary of the property that could possibly affect five to six of the proposed lots. The Stormwater Appeals Board recommended conditional approval of a variance on August 4, 2005, to allow development of these lots. A flood study for Turkey Creek will be required prior to Construction Drawing approval.

## **PUBLIC WORKS RECOMMENDATION**

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.
3. On Preston Road, 320 feet minimum transition for left turn lane is required. Left turn lane encroaches on intersection.
4. On Preston Road, plans should indicate a minimum of 36 feet of pavement width to beginning of transition.
5. East bound entering lane on Preston Place requires smoother transition than shown on preliminary plat.
6. On Preston Place, show 180 feet minimum transition for left turn lane, as shown on plat.
7. In residential subdivisions, a 25' minimum radius of return at the intersecting streets right of way can be used.

## **CONDITIONS**

1. All Public Works recommendations listed above shall be bonded, completed or satisfied prior to the final PUD or final plat, as applicable.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.



5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
6. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to Final PUD approval, the following is to be shown:
  - a. The acreage of the Dedicated Conservation Greenway Public Access Trail Easement Area.
  - b. A shared access driveway for the proposed lots 1 and 2 on Pettus Road.
  - c. A landscaped median (hollow core) for all cul-de-sacs over 150' in length.
  - d. A 10' right-of-way dedication is required along property boundary on Pettus Road and an additional 7' right-of-way reservation.
  - e. Label temporary turnaround to the north.

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

**Resolution No. RS2005-456**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-018G-12 is **APPROVED WITH CONDITIONS. (8-0), including a stub street into parcel 071.**

**Conditions of Approval:**

1. All Public Works recommendations listed above shall be bonded, completed or satisfied prior to the final PUD or final plat, as applicable.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
6. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to Final PUD approval, the following is to be shown:
  - a. The acreage of the Dedicated Conservation Greenway Public Access Trail Easement Area.
  - b. A shared access driveway for the proposed lots 1 and 2 on Pettus Road.
  - c. A landscaped median (hollow core) for all cul-de-sacs over 150' in length.
  - d. A 10' right-of-way dedication is required along property boundary on Pettus Road and an additional 7' right-of-way reservation.
  - e. Label temporary turnaround to the north.
  - f. A stub street is to be provided to parcel 071.

**The proposed planned unit development and associated zone change are consistent with the Southeast Community Plan's Residential Low Medium policy, which is intended to accommodate residential development within a density range of two to four dwelling units per acre."**

**11. 2005Z-135U-08**

Map 081-08, Parcel 494, 495  
Map 081-08, Parcel 491, 492, 493  
Subarea 8 (2002)  
District 19 - Ludy N. Wallace

A request to change from R6 to RM15 (0.62 acres), and from R6 to MUN (0.40 acres) district properties, located at 1631, 1633, 1635, 1623, and 1627 6th Avenue North (1.02 acres total), requested by Ron McClaron, applicant/owner for owners Arthur Yokley, Ace Housing LLC, Bradley D. Williams & Brian A. Courtney, and Moss Investments Partners (Ron McClaron).

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - Rezone 1.02 acres from residential (R6) to mixed use neighborhood (MUN) and residential multifamily (RM15) district property, located at 1623, 1627, 1631, 1633 and 1635 6th Avenue North, at the southwest corner of 6th Avenue North and Garfield Street.

**Existing Zoning**

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

**Proposed Zoning**

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

RM15 district - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

**Neighborhood General (NG)** - NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

***Salemtown Detailed Neighborhood Design Plan***

**Mixed Housing (MH)** - Mixed Housing is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

**Single Family Detached (SFD)** - SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

**Proposed amendment to the Salemtown DNDP**

**Mixed Use in Neighborhood Center (MxU in NC)** -MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Single Family Attached and Detached in Neighborhood General** - SFAD is intended for a mixture of single family housing that varies based on the size of the lot and the placement of the building on the lot. Detached houses are single units on a single lot (e.g. single family house), while attached houses are single units that are attached to other single family houses (e.g. townhomes).

**Policy Conflict** - No, if amendment to the DNDP is adopted by the Planning Commission. The proposed MUN and RM15 districts are consistent with an amendment proposed for the Salemtown DNDP, which calls for Mixed Use in

Neighborhood Center policy on the two northernmost parcels on 6<sup>th</sup> Avenue North, and Single Family Attached and Detached in Neighborhood General policy for the three parcels along 6<sup>th</sup> Avenue to the south of these. The plan amendment is also on this agenda.

Consistent with the MxU in NC policy, the UDO plans propose a mixed use building to face Garfield Street, with four ground floor units, one corner commercial/office unit, and eight 2<sup>nd</sup> and 3<sup>rd</sup> floor residential units. The UDO plans also propose eight townhomes on the three southern parcels, the placement and character of which are compatible with SFAD in NG policy; all eight units face 6<sup>th</sup> Avenue, with 10'-15' front setbacks.

**RECENT REZONINGS** - The property at the northeast corner of Garfield and 5<sup>th</sup> Avenue North was passed on third reading by the Metro Council on May 17, 2005 for MUN zoning.

**Typical Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	1.02	6.18	6	58	5	7

**Typical Uses in Proposed Zoning District: RM15**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	0.62	15	8*	47	4	5

\* number of units proposed in the UDO

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	0.40	n/a	12*	71	6	7

\* Number of units proposed in the UDO

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
SPECIALTY Retail (814)	0.40	n/a	2,500*	145	Na	28

\*Square feet in proposed UDO

**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
--				205	Na	33

**METRO SCHOOL BOARD REPORT**

Projected student generation\* 1 Elementary 1 Middle 1 High

**Schools Over/Under Capacity** - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. There is no capacity within Hillwood High School, but the adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn do have capacity. This information is based upon data from the school board last updated August 2, 2005.

\*Generated numbers based on the 20 units as proposed in the associated UDO.

**Resolution No. RS2005-457**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-135U-08 is **APPROVED. (8-0)**

**The proposed RM15 and MUN districts are consistent with the proposed Mixed Use in Neighborhood Center policy that is intended for buildings that are mixed horizontally and vertically.”**

**12. 2005UD-011U-08**

Salem Gardens  
Map 81-08, Parcels 491, 492, 493, 494, 495  
Subarea 1 (2003)  
District 19 - Ludy N. Wallace

A request to apply an Urban Design Overlay district named Salem Gardens to properties located at 1623, 1627, 1631, 1633 and 1635 6th Ave. North, at the corner of Garfield Avenue and 6th Avenue North, proposed for one mixed use building allowing four residential/commercial/office ground floor flats, one corner retail space, and eight apartment units, as well as two buildings with four townhouses in each, requested by Jan Abernathy, applicant for Salem Gardens, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary UDO**

Request for preliminary approval for a Urban Design Overlay district located at 1623, 1627, 1631, 1633 and 1635 6th Avenue North (1.02 acres), classified R6 and proposed for MUN and RM15, to permit one mixed use building allowing four residential/commercial/office ground floor flats, one corner retail space, and eight apartment units, as well as two buildings with four townhouses in each.

**PLAN DETAILS**

Site Design - The site is located on the southwest corner of Garfield Street and 6<sup>th</sup> Avenue North in the Salemtown/North Nashville area. Eight townhouse units front on 6<sup>th</sup> Avenue North (1,900 square feet each) in two separate buildings (B and C), and a there is a mixed use building proposed to face Garfield Street (building A) with the following units:

- four 950 square foot residential/commercial/office ground floor flats
- one additional corner commercial/office space (2,500 square feet)
- eight 1,200 square foot apartment units on the second and third floors

This brings the total area to 15,200 sq. ft. of townhomes, 9,600 sq. ft. of apartments, 3,800 sq. ft. of flats, and 2,500 sq. ft. of retail space. Behind all the units on the inside of the UDO there is a common open space with parking that surrounds it on three sides, and the public alley on the west.

**Landscaping plan** - The Code-required B landscape buffers on the southern limits of this UDO (due an RM15 district abutting a R6 district) have been altered and replaced by plantings of varying densities as noted below. There is also a grassy interior courtyard that will have landscaping and trees, and urban trees will line the fronts of the townhouse units and placed along the front of the mixed use building. All urban street trees must be consistent with Metro urban forester standards.

Although the applicant has shown these landscaping concepts on the UDO plans, no landscaping plan has been submitted yet. All existing trees to be preserved should be identified, and all new landscaping bufferyards proposed to be installed should be shown and vegetation types should be included (plant massing). Any proposed fence material should also be included. Planning Staff requires that before final UDO plan submittal, a landscaping plan be submitted and approved by Planning staff.

**Setbacks** - The Code-required front setback for MUN zoning on a collector street (Garfield Street) is 40 feet, measured from the centerline of the street, and the front setback for RM15 zoning on a nonarterial street (6<sup>th</sup> Ave. = local) is 70 feet, measured from the centerline of the street; these standards would normally apply within a PUD development. The applicant has proposed a 10'-15' front setback on 80 percent of the front façade on 6<sup>th</sup> Avenue, and a 5'-10' front setback on 80 percent of the front façade on Garfield Street. These setbacks will help this development provide a solid streetscape along both streets.

**Sidewalks** - Though Metro maps show existing sidewalks along Garfield Street and 6<sup>th</sup> Avenue North at this location, this development has proposed to bring these existing sidewalks up to the Metro standard if they are not currently in an acceptable condition.

**Parking** - Eighteen surface parking spaces have been provided at the rear (western) side of the UDO, which access a public alley. In addition, two garage spaces have been provided for each townhouse unit, for a total of 16 spaces to access the same rear parking area. A grand total of 34 parking spaces are provided in the UDO.

**UDO standards and conditions** - The applicants have worked with the Planning Department to follow their design guidelines, and where not complying with regular requirements of the Code, they must explicitly note it on the plans. The following conditions of approval apply:

1. **Building Height:** The maximum building height shall be 3 stories, not to exceed 50 feet. This has been noted on the plans.
2. **Parking area screening:**  
Parking must **not** be visible from public streets, except for alleys, and shall be screened with a 3 ft. year round screen (specify bed width if different from code.). Between Buildings B and C, and Buildings B and A, the applicant will have to choose between installing a class B landscape bufferyard or 6' masonry fence in order to block views of the parking area to the rear. A gate must be provided at the sidewalk that runs between buildings B and C to allow pedestrian access from 6<sup>th</sup> Avenue North to the parking area to the rear of the townhomes (west).
3. **Landscape buffering along the southern property line:**  
In lieu of the required standard B landscape bufferyard along the entire southern property line, higher density plant material (of a B landscape bufferyard, at a minimum) shall screen the parking lot area from the adjacent R6 residential zoning to the south; plant material shall be more sparsely distributed from the southeast corner of the parking lot to the street, in between the townhouse units. These standards must be shown on the required landscaping plan, to be submitted prior to the submittal of the final UDO plans.
4. A 5' sidewalk shall be located between the two townhouse buildings, to connect to the proposed grassy open space area to the rear of the units, near the parking. Maintenance of this open space area, and all site landscaping, shall be the responsibility of the property-owner association. A note shall be added to the plans indicating this, and it must reference the restrictive covenant number, to be recorded by final UDO stage.
5. **Parcel allocation and side yard/interior setbacks:**  
Must be specified:
  - If it is chosen to consolidate the parcels into one lot, then the bulk standards for the side yard setback must be set at 5' minimum. The intended side and the rear of the buildings must be specified on the Boundary and Setback Plan on page 05. In addition, interior building separations between the different building types must be specified on the plans.
  - Alternatively, if it is chosen to plat multiple parcels, the bulk setback standards must be labeled as 0' minimum side yard, 5' minimum for townhome end units, and 10' minimum between building types. These standards must be labeled accordingly on the plans. The intended side and the rear of the buildings must be specified on the Boundary and Setback Plan on page 05.
6. **Bulk Standards:**  
The plans also require some revisions to be added on the plans, regarding bulk standards:
  - Verify if required parking is determined by the Urban Zoning Overlay.
  - Add bulk standards for the Mixed Use Building Type.
  - Add minimum raised foundation for residential building types.

The Bulk Standards table must include:

  - Building placement, height and massing of buildings
  - Parking and access
  - Landscape, buffering, and screening.
7. **Landscaping Plans:**  
Must be submitted (as per the above standards).
8. The dimensions on page 05 must match the bulk standards on page 01. On the current plans, they do not match.

9. **Architectural Treatment Standards:**

- Vinyl siding is prohibited.
- Windows: With the exception of transoms, windows shall be square or vertically proportioned and rectangular in shape with vertically proportioned or square sashes and panes. Windows should not be flush mounted to the exterior of the façade.
- Muntins, if installed, shall be true divided lites or simulated divided lites on both sides of the window. Snap-in type muntins are prohibited.
- Shutters, if installed, shall be sized and shaped to match their openings.

10. Additional questions and comments will be given by Metro agencies when a preliminary grading plan is submitted.

The applicant has worked diligently with Planning staff on development standards within this UDO district.

**PUBLIC WORKS RECOMMENDATION**

1. There is not enough detail on this plan to make any engineering decisions or recommendations. Additional design is required or a commitment on the plan that all Public Works design standards will be met prior to any final approvals and permit issuance.
2. Simply stating that the UDO is exempt for the "visibility triangle" is not acceptable. Data must be supplied to determine traffic and pedestrian safety at the intersection of Garfield and 6th Ave North.

**STORMWATER RECOMMENDATION** -Construction drawings must be approved prior to any construction activities.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this urban design overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. These preliminary UDO plans must comply with the urban design conditions and comments of Planning Department staff, as noted above. All such standards must be explicitly noted on the preliminary UDO plans.
7. These preliminary UDO plans must comply with Public Works' requirements of approval, as noted above.
8. These preliminary UDO plans must comply with Stormwater Division of Metro Water Services conditions of approval, as noted above.
9. The applicant must submit a landscaping plan prior to the submittal of the final UDO plans. All urban street trees must be consistent with Metro urban forester standards, and landscaping plan must meet the minimum requirements as shown on the preliminary UDO plans, as well as those standards as specified above.
10. Prior to any additional development applications for this property, the applicant shall submit to the Planning

Department a corrected version of the UDO for filing and recording with the Davidson County Register of Deeds.

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

**Resolution No. RS2005-458**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-011U-08 is **APPROVED WITH CONDITIONS (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this urban design overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and 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.
5. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. These preliminary UDO plans must comply with the urban design conditions and comments of Planning Department staff, as noted above. All such standards must be explicitly noted on the preliminary UDO plans.
7. These preliminary UDO plans must comply with Public Works’ requirements of approval, as noted above.
11. These preliminary UDO plans must comply with Stormwater Division of Metro Water Services conditions of approval, as noted above.
12. The applicant must submit a landscaping plan prior to the submittal of the final UDO plans. All urban street trees must be consistent with Metro urban forester standards, and landscaping plan must meet the minimum requirements as shown on the preliminary UDO plans, as well as those standards as specified above.
13. Prior to any additional development applications for this property, the applicant shall submit to the Planning Department a corrected version of the UDO for filing and recording with the Davidson County Register of Deeds.

**The proposed Urban Design Overlay district is consistent with the proposed Mixed Use in Neighborhood Center policy that is intended for buildings that are mixed horizontally and vertically.”**

- 
13. **2005Z-163U-08**  
Map 082-09, Parcel 3  
Subarea 8 (2002)  
District 19 - Ludye N. Wallace

A request to change from R6 to SP District property, to permit the development of six 1,200 square foot townhouse units, located at 1600 6th Avenue North, at the northeast corner of 6th Avenue North and Hume Street, requested by Taurus McCain, applicant, for Robert A. Crutcher et ux, owners

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - Rezone 0.25 acres from residential single-family and duplex (R6) to preliminary SP district property, to permit the development of six 1,200 square foot townhouse units, located at 1600 6th Avenue North, northeast corner of 6th Ave., North, and Hume St.

**Existing Zoning**

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

**Proposed Zoning**

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

Neighborhood General (NG)-NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

***Salemtown Detailed Neighborhood Design Plan***

Mixed Housing (MH)-Mixed Housing is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

**Policy Conflict** - The proposed SP district is consistent with the Mixed Housing in Neighborhood General policy, which applies to various parcels at or near intersections in Salemtown and Germantown areas. This Specific Plan proposes only residential uses, consistent with the exclusively residential intent of the Mixed Housing policy. Although the plan only provides one housing type—attached, two-unit townhomes, the placement and character of the units are compatible with the street and the goals of the Salemtown DNDP, with two units facing 6<sup>th</sup> Avenue and the remaining four units facing Hume Street, all built close to the sidewalk (minimal front setback).

The maximum front setback must be specified on the plans, and the front property line also must be labeled, prior to final SP approval. A maximum front setback of five feet would be appropriate (as currently demonstrated on the plans), or it might be more appropriately determined by using the historical setback as a standard.

Preliminary Plan Details - The proposed redevelopment plan includes three sets of 2-unit attached single-family townhomes. Each unit has a one-vehicle garage that accesses a driveway area with street access off of the alley to the rear. As the site is very small, no active open space is provided, but landscaping along the fronts of the units is provided. This site is free of environmentally sensitive areas. Each unit will consist of 1,267 square feet, and be a maximum of 3 stories high (35’ above 1<sup>st</sup> floor level). The applicant will bring the existing sidewalk along Hume Street up to Metro standards.

Building Elevations - The plan also includes architectural renderings (elevations) for the building type within the development. As part of the Specific Plan ordinance, the Council will adopt these elevations as the required building type within the development. Staff has reviewed the elevations and they are consistent with the proposed development plan.

Landscaping Plan - Although the applicant has shown a landscaping concept on the SP plans, no landscaping plan has been submitted yet. All existing trees to be preserved should be identified on it, and all new landscaping bufferyards proposed to be installed should be shown and vegetation types should be included (plant massing). Fence material should also be



included. At the final SP application stage a landscaping plan must be submitted and approved by Planning staff.

Other buffering - As previously indicated to the applicant by Planning staff, a 6-foot wall will be required to be placed along the northern property line, to shield the adjacent residential property from the parking area of this SP district. The applicant has also shown a low brick veneer landscape wall that runs in between the units, parallel to Hume Street, with a couple of tube steel gates in it to access the rear of the units. This wall is consistent with the foundations of the units.

The applicant has worked diligently with Planning staff on development standards within this SP district.

**FIRE MARSHAL** - Fire Marshal has indicated there are no issues with this plan.

**RECENT REZONINGS** - None.

**STORMWATER RECOMMENDATION - Approved with the condition that the following issues be resolved prior to or with the submittal of the final SP application:**

1. Stormwater needs a full size set of plans to review, prepared by a Registered Engineer in the State of Tennessee. The SP provided did not have a stamp or any engineer information of any sort.
2. Need the FEMA Note / NFIP (this should be self explanatory) on plans.
3. North Arrow and Bearing Information
4. Vicinity map - add.
5. The plan should also include the Standard 78-840 Note.
6. The plan should show undisturbed buffers (this plan happens to not have a buffer).
7. Standard Buffer Note
8. Standard Preliminary Note (or something similar but more specific to SP's)
9. Existing topo's should be provided
10. Proposed topo's should be provided (2' may not be necessary but not more than 5' contours)
11. The plans should provide some sort of water quality concept
12. Plans should also include room for detention (if necessary) or an explanation on why detention may not be required.
13. A Preliminary Specific Plans should probably be denoted as Preliminary somewhere on the plans too
14. The Standard C/D note (all culverts in ROW to be 15" min.)
15. Add Standard Access Note (Metro to be provided sufficient and unencumbered access)

**PUBLIC WORKS RECOMMENDATION** - Dedicate Right-of-way and improve alley to Public Works standards (18' pavement, 20' right-of-way).

**Typical Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.25	6.18	2	20	2	3

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

Land Use (ITE Code)	Acres	Density Per Acre	Total Number of	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
---------------------	-------	------------------	-----------------	-----------------------	--------------	--------------

			<b>Units</b>			
Residential Condo/townhome (230)	0.25	n/a	6	36	3	4

**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
--			+4	16	1	1

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity** - Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. There is capacity within these schools. This information is based upon data from the school board last updated August 2, 2005.

\*Generated numbers based on the six units as proposed in the SP.

**CONDITIONS**

1. Prior to final SP approval, the applicant must bring the sidewalk along Hume Street up to Metro standards, to extend the sidewalk network that currently exists on 6th Avenue.
2. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of any final plat.
3. All Stormwater conditions and comments as indicated above must be adequately addressed prior to, or with the final SP approval.
4. Prior to final SP approval, the applicant must submit a landscaping plan to Planning staff that addresses staff concerns regarding urban vegetation at this site.
5. Prior to final SP approval, the applicant must specify on the SP plans a maximum front setback, and the front property line also must be labeled. A maximum front setback of five feet would be appropriate (as demonstrated on the preliminary plans), or it might be more appropriately determined by using the historical setback as a standard.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

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

**Resolution No. RS2005-459**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-163U-08 is **APPROVED WITH CONDITIONS (8-0), including that the applicant provide the additional details on the plan as requested by Public Works, so that final engineering decisions can be made. Public Works design standards must be met prior to any building permit insurance.**

**Conditions of Approval:**

1. Prior to final SP approval, the applicant must bring the sidewalk along Hume Street up to Metro standards, to extend the sidewalk network that currently exists on 6th Avenue.
2. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of any final plat.
3. All Stormwater conditions and comments as indicated above must be adequately addressed prior to, or with the final SP approval.

4. Prior to final SP approval, the applicant must submit a landscaping plan to Planning staff that addresses staff concerns regarding urban vegetation at this site.
5. Prior to final SP approval, the applicant must specify on the SP plans a maximum front setback, and the front property line also must be labeled. A maximum front setback of five feet would be appropriate (as demonstrated on the preliminary plans), or it might be more appropriately determined by using the historical setback as a standard.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

**The proposed SP district and site plan are consistent with the areas Mixed Housing in Neighborhood General policy that is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, and not randomly located.”**

14. **2005Z-174G-13**  
 Map 175, Parcel 023, Part of, 31  
 Subarea 13 (2003)  
 District 32 - Sam Coleman

A request to change from IWD and AR2A to MUL a portion of property located at 12814 Old Hickory Boulevard and Old Hickory Boulevard unnumbered (53.13 acres) , approximately 3,200 feet south of Old Franklin Road, requested by Metro Nashville Public Schools, optionee, for John W. Holden & Mark A. Pirtle, R.H. Bonds, etux, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - Request to change from Industrial, Warehousing and Distribution (IWD) district to a Mixed Use (MUL) district 53.15 acres located at 12814 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), 3,200 feet south of Old Franklin Road.

**Existing Zoning**

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

**Proposed Zoning**

**MUL District** Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. The Metro School Board is requesting this rezoning for a future school (Community Education) use for the Antioch area.

**ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

**Industrial (IN)** - IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

**Proposed use** - The request will provide the appropriate zoning district for a new 2,000 student High School which will relieve over-crowding within the Antioch School Cluster.

**Policy Conflict** - Although educational uses are not usually appropriate in industrial policy areas, such a use is less intensive than an industrial use. Also, the proposed educational use will be consistent with the neighboring Neighborhood General policy area.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	53.15	0.238	518,364	2258	268	240

**Typical Uses in Proposed Zoning District: MUL\***

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
High School ()	53.15	n/a	n/a	NA	NA	NA

\*Metro School Board has indicated property is being rezoned for a High School.

**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
--						

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-460**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-174G-13 is **APPROVED. (8-0)**

**The proposed MUL district allows uses that are allowed in the areas Industrial policy and is not inconsistent with the Antioch – Priest Lake Community Plan.”**

- 15. **2005Z-175U-06**  
Map 114, Parcel 129.02, 140  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to change from R15 to CS district properties located at 7342 Charlotte Pike and 706 Old Hickory Boulevard (1.29 acres), requested by Richard Connors, broker for Gary M. and Bridget A. Jones, Christopher B. and Kimberly B. Cooper, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - Rezone 1.29 acres from residential single-family and duplex (R15) to Commercial Service (CS) district properties located at 7342 Charlotte Pike and 706 Old Hickory Boulevard.

**Existing Zoning**

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

**Proposed Zoning**

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.

**BELLEVUE COMMUNITY PLAN POLICY**

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

**Policy Conflict** No. The proposed CS district is consistent with the CMC policy on this site and the adjacent properties. The proposed district is also consistent with the existing CS zoning to the immediate south, at the intersection of Charlotte Pike and Old Hickory Boulevard.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - A TIS may be required at development. Cross access may be required between adjacent parcels.

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

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	1.29	2.47	3	29	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	1.29	0.066	3,708	797	22	71

**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
--				768	19	67

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

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	1.29	2.47	3	29	3	4

**Maximum Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	1.29	0.12*	6,743	Na	1305	827

\*Maximum based on 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
--					1302	823

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-461**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-175U-06 is **APPROVED (8-0)**.

**The proposed CS district is consistent with the Bellevue Community Plans’ Commercial Mixed Concentration policy that is intended to include medium high to high density residential and all types of retail trade, offices, research activities and other appropriate uses.”**

- 2005Z-176U-14  
Map 094, Parcel 011, 012, 020  
Subarea 14 (2004)  
District 15 - J. B. Loring

A request to change from R10 to IR district property located at 1700, 1705 River Hills Drive and River Hills Drive (unnumbered) (0.76), requested by Matt Woodard for Cecil and Shanon Saffles,

**Staff Recommendation: Disapprove or defer**

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

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to defer Zone Change 2005Z-176U-14. **(6-0)**

**Resolution No. RS2005-462**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-176U-14 is **DEFERRED INDEFINITELY (6-0)**”

17. **2005Z-177G-12**  
Map 173, Parcel 068 Part of, 070 Part of  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to change from AR2a (3.57 acres) and OR20 (0.05 acre) to CS district a portion of property located at 6260 Nolensville Pike and 6304 Hills Chapel Road (3.62 acres), requested by Taze Lundy, applicant, for Richard Argo, owner.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-177G-12 to January 12, 2006 at the request of the applicant. (8-0)**

18. **2005Z-183U-08**  
Map 092-02, 092-03, 092-06,  
092-07, 092-10, Parcel Various  
Subarea 8 (2002)  
District 21 - Edward Whitmore

A request to change from R6 to RS5 district various properties located to the north of Felicia Street and south of I-40, and between the railroad on the east and I-40 on the west (190.21 acres), requested by Councilperson Edward Whitmore, for the Neighbors Reaching Out Neighborhood Association and various property owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** -Request to change 190.21 acres from residential single-family and duplex zoning (R16) to residential single-family (RS5) district property located on 1,008 properties north of Felicia Street, east of I-40, and west and northwest of the CSX Railroad.

**Existing Zoning**

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

**Proposed Zoning**

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

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

**Neighborhood General (NG)**- NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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.

**Open Space (OS)** - OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

***Hadley-Washington Detailed Neighborhood Design Plan***

**Single Family Detached (SFD)**-SFD in NG is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot. SFD in NG policy largely applies to the northern part of the Hadley-Washington neighborhood, near the intersection of I-40 and the CSX Railroad.

**Civic or Public Benefit in OS (CPB)** - CPB in NG is intended for various public facilities including schools, libraries, and public service uses. CPB in NG policy applies to the Pearl-Cohn High School site.

**Single Family Attached and Detached in NG (SFAD)** - SFAD in NG is intended for a mixture of single family housing that varies based on the size of the lot and the placement of the building on the lot. Detached houses are single units on a single lot (e.g. single family house), while attached houses are single units that are attached to other single family houses (e.g. townhomes). SFAD in NG policy applies to various properties in the middle of the Hadley-Washington neighborhood.

**Mixed Housing in NG (MH)** -MH in NG is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street. MxH in NG policy applies to various properties south of Booker Street, along 25<sup>th</sup> Avenue North and Merry Street, and along portions of Clifton Avenue.

**Parks, Reserves, and Other Open Space in OS (PR)**-PR in OS is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space. The DNDP has an alternate land use policy of SFAD. PR in NG policy applies to some properties near Booker Street, west of the CSX Railroad.

***McKissack Park Detailed Neighborhood Design Plan***

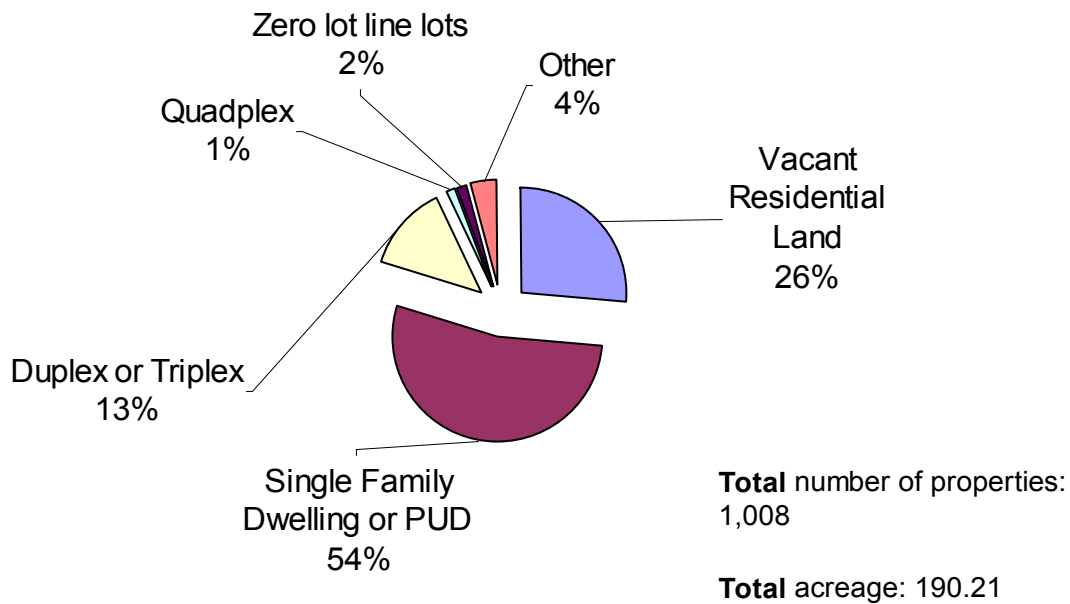
**Transition or Buffer in NG (TB)** - Transition or Buffer in NG is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited commercial or mixed-use component. TB in NG policy applies several properties along Felicia Street.

**Mixed Use in NG (MxU)** - MxU in NG is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above. MxU in NG policy applies to three properties on 26<sup>th</sup> Avenue North at the end of Torbett Street.

Finally, as in the Hadley-Washington DNDP area, SFD, SFAD, MH in NG and PR in OS land use policies apply to various properties throughout the McKissack Park DNDP.

**Policy Conflict** - The single family residential use as permitted within the proposed RS5 zoning district is completely consistent with the Single Family Detached policy, as well as *partially* consistent with the Single Family Attached and Detached and Mixed Housing land use policies across the Hadley-Washington and McKissack Park neighborhoods. The single-family only use of the RS5 zone district would technically preclude the other forms of housing envisioned by the SFAD and MH land use policies, as well as the limited commercial component and more intense mixed uses component as envisioned by the Transition or Buffer policy and Mixed Use policy, respectively. However, the change to RS5 zoning would not be a fundamental shift away from the existing R6 zoning, and though partially inconsistent with the SFAD and MH policy goals, the change would have a negligible effect.

## Land Uses in the area proposed for downzoning



There are 1,008 properties in this request, with a mixture of duplex/triplex lots (136), quadplex lots (12), vacant residential lots (266), and single-family lots (537).

**Staff recommendation** - Because of the existing residential zoning (R6), the proposed RS5 zoning would constitute a minimal change on the existing parcels with the following land use policies: Civic or Public Benefit, Park, Reserves and Other Open Space, Transition or Buffer, Mixed Use, and Single Family Detached [housing]. Staff recommends **approval** of the RS5 zoning on these parcels.

On the numerous parcels with MH and SFAD land use policies, a rezoning to RS5 would technically conflict with the policy goals of establishing a mixture of housing types, especially along major routes like Clifton Avenue. Staff would encourage future rezonings to higher intensity residential districts on these parcels, accompanied by an overlay or site plan that specifies development standards. Staff recommends **approval** of the RS5 zoning on these parcels, however, because the change from R6 to RS5 is not a significant change and does not affect whether these properties can be rezoned to higher intensities in the future.

**RECENT REZONINGS** - Recently, parcels 196, 197, 198, and 199 on Felicia Street were rezoned to OL for a medical/office building (2005Z-133U-08 – passed on third reading Nov. 18<sup>th</sup> at the Metro Council).

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

**METRO SCHOOL BOARD REPORT** - The number of students generated by this rezoning is negligible since this is an existing, platted area.

Approved, (8-0) *Consent Agenda*

### Resolution No. RS2005-463

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-183U-08 is **APPROVED. (8-0)**

**The proposed RS5 district is partially consistent with area policies for the North Nashville Community Plan. While the request is not completely consistent with all detailed policies for the area, the small change would have negligible effects.”**



- 
19. **2005NL-001G-03**  
Map 067-00, Parcel 056  
Subarea 3 (2003)  
District 1 - Brenda Gilmore

A request to apply a Neighborhood Landmark Overlay to an RS20 district property located at 5022 Old Hydes Ferry Pike, approximately 50 feet west of Old Hickory Boulevard (10.06 acres), requested by the Metropolitan Planning Department for the Metropolitan Government, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - Apply the Neighborhood Landmark Overlay district to an RS20 district property located at 5022 Old Hydes Ferry Pike, approximately 50 feet west of Old Hickory Boulevard (10.06 acres).

**Existing Zoning**

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

**Proposed Overlay District**

**Neighborhood Landmark Overlay District (NLOD)** - 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. Creating the NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission must then approve a Neighborhood Landmark Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community’s traditional and unique character.

**CRITERIA FOR CONSIDERATION** - The school at 5022 Old Hydes Ferry Pike would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.

5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

#### **BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY**

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

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

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

**Worthy of Conservation** - Given that this is the site of the old Wade School, the property has been designated by the Historic Zoning Commission as "worthy of conservation." This means that if the community were to decide to apply for some form of overlay, plan or zoning that would protect the existing features of the site, such a request would be favorably considered.

**Policy Conflict** - No. The Neighborhood Landmark Overlay district does not change the existing residential base zone district, but can provide additional restrictions that protect the property. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay. Neighborhood Center policy would support mixed use, residential, office, and commercial zone districts, with a site plan, while Natural Conservation policy would only support residential development at a maximum of one home per every two acres.

#### **Special Policy Area # 3**

Also on today's agenda, the staff is recommending an amendment to the Bordeaux/Whites Creek Community Plan that would create a "Special Policy Area" for this site. That special policy, if adopted, would state:

1. Preservation of the former Wade elementary school structure is intended through the application of the "Neighborhood Landmark" zoning overlay district. The extent of the special policy area should be established in the "final site development plan" for the NL overlay that is approved by the Planning Commission.
2. Appropriate uses for the Wade structure and, as necessary, ancillary uses immediately around the school building include those allowed in the RS20 and MUN base zoning districts, except "Boarding house," "Bar or nightclub," "wastewater treatment plant" and "Recycling collection center."

These two provisions place reasonable restrictions on any site plan that can be approved by the Planning Commission after adoption of the Neighborhood Landmark Overlay district by the Metro Council.

**Metro Historic Zoning Commission Recommendation** -The Metro Historic Zoning Commission is scheduled to hear this on December 7, 2005.

**RECENT REZONINGS** - None

**PUBLIC WORKS RECOMMENDATION** - This overlay does not yet include a site plan with specified land uses, so traffic generation will be determined at the plan review stage.

#### **STAFF FINDINGS**

**Extent of Staff Review**-There is no requirement that an overlay site plan be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for, and evaluating the appropriateness of, the overlay district and ensuring that the criteria for Planning Commission approval have been met. The proposed amendment to the Bordeaux/Whites Creek Community Plan, however, will provide reasonable guidelines for the future review by the Planning Commission of a site plan for this property.

**History** - Wade Elementary School was built in 1936 using Works Progress Administration (WPA) assistance. Both the City of Nashville and Davidson County used New Deal agency resources to dramatically expand educational facilities during the Depression. The brick Colonial Revival building is typical of 1930s schools designed to provide more comfortable, safe, and sanitary facilities for students than the small frame buildings many (particularly those in rural communities) had been housed in. Two classrooms and a cafeteria were added in 1953. Although the present structure dates from the twentieth century, Wade School was established in 1850 and has one of the county's longest histories as a school site.

The application of the NLOD designation would allow a property owner to undertake a restoration effort and assure the community that the structure will not be compromised. It will be strengthened as an anchor of the remaining traditional neighborhood fabric.

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2005-464**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005NL-001G-03 is **APPROVED (9-0)**

**The proposed Neighborhood Landmark Overlay district does not change the underlying zoning, and is consistent with Bordeaux Whites Creek Community Plan’s area policies.”**

---

**XI. PRELIMINARY SUBDIVISION PLATS**

20. **2005S-293U-10**  
McKanna Subdivision  
Map 145-02, Parcel Part of 020  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request for preliminary plat approval to create 4 lots located at 1400 Tyne Boulevard and the end of Georgetown Court (5.23 acres), classified within the R40 District, requested by James A. McKanna et ux, owners, Duclos Survey & Design, Inc., surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary Plat**

Request to subdivide 5.23 acres into four single-family lots at 1200 Tyne Boulevard at the end of Georgetown Court.

**ZONING**

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

**SUBDIVISION DETAILS**

**Access/Street Connectivity** - Access is proposed from the existing street-- Georgetown Court. Four lots are proposed with lots ranging in size from 1 acre to 1.20 acres. Open space is proposed to the rear of proposed lots 3 and 4 due to steep topography and existing cellular towers. An easement is proposed at the end of Georgetown Court and within two lots (lots 3 & 4) to be used for the maintenance of the cellular towers.

This proposal is for a portion of property, which would leave a remnant portion over 5 acres to the east and also a small remnant less than 5 acres to the west. State law allows for the subdivision of property 5 acres or greater. This would allow for the subdivision of the larger portion of the parcel over 5 acres (to the east of the proposed subdivision) to be subdivided by deed. The remnant portion of property under 5 acres (to the west of the proposed subdivision) must be consolidated prior to final plat approval.

**STORMWATER RECOMMENDATION - Approve.**

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

**CONDITIONS**

1. Prior to final plat approval, the portion of the parcel not proposed in this subdivision (to the west) is to be consolidated into an adjacent parcel, possibly lot 18.

2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

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

**Resolution No. RS2005-465**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-293U-10 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. Prior to final plat approval, the portion of the parcel not proposed in this subdivision (to the west) is to be consolidated into an adjacent parcel, possibly lot 18.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.”

21. **2005S-354G-14**  
Pleasant Pointe  
Map 121, Parcel 078, 257  
Subarea 14 (2004)  
District 13 - Carl Burch

A request for preliminary plat approval to create 21 lots located on the east side of Pleasant Hill Road and the west side of Bell Road (13.08 acres), classified within the R15 District, requested by Albert Powell, Trustee for Percy Priest Lake Joint Venture, owner/developer, Civil Site Design Group, surveyor/engineer.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST**

**Preliminary Plat** - Request for preliminary plat approval to create 21 lots on 13.08 acres, classified within the R15 District, located on the east side of Pleasant Hill Road and the west side of Bell Road.

**ZONING**

**R15 District** -R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. No lots in this subdivision have been designated as duplex lots.

**SUBDIVISION DETAILS**

**Access/Street Connectivity** -Access is proposed from Pleasant Hill Road. A stub street is provided to allow for connectivity as the adjacent property to the south develops.

**Landscape Buffer Yards** - The property has frontage on Bell Road but will not connect. The lots will back up to Bell Road, creating a double-frontage situation. Section 17.24.060 B of the Metropolitan Zoning Ordinance requires a “C” type landscape buffer yard on double frontage lots. The proposed plat only shows an “A” landscape buffer yard for the Scenic Landscape Easement required by Section 17.24.070 of the Zoning Ordinance. The plat will need to be corrected to show the higher “C” standard, which is a minimum of 20 feet wide and contained in open space.

Additionally, there are two lots within the subdivision, lots 14 and possibly 13 (depending on the orientation of the house) that will create double frontages, with the rear of the lots facing Road “A.” A landscape buffer yard is required on these lots.

**Sidewalks** -Sidewalks are proposed along all the new streets within the subdivision but are not required on Pleasant Hill Road or Bell Road.

**PUBLIC WORKS RECOMMENDATION**

Any approval is subject to Public Works' approval of construction plans. Final design and improvements may vary based on field conditions.

1. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. This project is in the General Services District. All street lighting installation, maintenance and energy charges will be the responsibility of the developer and homeowners association.
2. Show the ST-253 pavement schedule for Pleasant Hill Road pavement improvements.
3. At "Road A" temporary turnaround: show 50-foot pavement radius for temporary turnarounds greater than 150 feet.
4. At "Road B" cul-de-sac: show 30-foot pavement radius, curb & gutter, 4-foot grass strip / furnishing area, and 5-foot sidewalk. The sidewalk is to be located within the right-of-way.

#### **STORMWATER RECOMMENDATION**

1. Add the subdivision number, i.e., 2005S-354G-12, to the plat.
2. Add a bearings reference.
3. The southernmost portion of lot 17 references a dimension, i.e., 151.30', which is not to scale. Ensure all measurements are to scale.
4. The current depiction of the 50' Buffer is unacceptable. A 50' Buffer implies that the channel possesses a width of zero. Thus, the buffer must be widened to satisfy the requirements of the Stormwater Management Manual. The Buffer must be 30' from channel center (as marked up on the plat) or 25' from top of bank, whichever affords the greatest distance.
5. Neither a WQ Pond nor a Buffer can encroach into a lot. As such, ensure that all lot lines are pulled out of buffered areas or WQ devices.
6. A WQ Pond cannot reside in the buffer. Ensure that the limits of the proposed WQ pond do not encroach into the buffered area.
7. The current Water Quality concept addresses the majority of stormwater concerns; however, during the grading plan phase, a WQ Pond/device may be required at the southwestern most portion of the property to catch water discharge from lots 17-19.

#### **CONDITIONS**

1. A revised plan shall be submitted by December 15<sup>th</sup>, 2005 showing all the Stormwater Revisions above and the following:
  - a. A "C" buffer yard along Bell Road and located in open space.
  - b. A note on lots 13 and 14 stating that a buffer yard may be required at the issuance of building permit for double frontage situation.
2. Comply with all Public Works conditions listed above.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet in diameter.

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

Mr. Terry Prince, 1401 Pleasant Hill Road, spoke in opposition to the proposal.

Mr. Clifton acknowledged the concern mentioned by the resident and suggested that the issue relating to traffic be addressed at the final stage. He stated that the request does meet the requirements of the subarea plan.

Ms. Nielson suggested that the Commission recommend that the Councilperson hold a neighborhood meeting prior to final approval so that they are aware of the proposal.

Mr. Small also suggested that the particular concerns could be presented prior to final approval.

Mr. Loring acknowledged the concern mentioned by the resident. He stated that the road is very narrow with difficult turns. He had reservations on approving the subdivision. He stated he was not in favor of approving the proposal.

Mr. Bernhardt explained that the Public Works Department reviewed the proposal.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve preliminary plat 2005S-354G-14 with the recommendation that the Public Works Department provide any recommendations for improvements to Pleasant Hill at the final plat stage. **(6-0)**

#### **Resolution No. RS2005-466**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2005S-354G-14 is **APPROVED WITH CONDITIONS. (6-0)**

#### **Conditions of Approval:**

##### **PUBLIC WORKS RECOMMENDATION**

1. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. This project is in the General Services District. All street lighting installation, maintenance and energy charges will be the responsibility of the developer and homeowners association.
2. Show the ST-253 pavement schedule for Pleasant Hill Road pavement improvements.
3. At "Road A" temporary turnaround: show 50-foot pavement radius for temporary turnarounds greater than 150 feet.
4. At "Road B" cul-de-sac: show 30-foot pavement radius, curb & gutter, 4-foot grass strip / furnishing area, and 5-foot sidewalk. The sidewalk is to be located within the right-of-way.

##### **STORMWATER RECOMMENDATION**

1. Add the subdivision number, i.e., 2005S-354G-12, to the plat.
2. Add a bearings reference.
3. The southernmost portion of lot 17 references a dimension, i.e., 151.30', which is not to scale. Ensure all measurements are to scale.
4. The current depiction of the 50' Buffer is unacceptable. A 50' Buffer implies that the channel possesses a width of zero. Thus, the buffer must be widened to satisfy the requirements of the Stormwater Management Manual. The Buffer must be 30' from channel center (as marked up on the plat) or 25' from top of bank, whichever affords the greatest distance.
5. Neither a WQ Pond nor a Buffer can encroach into a lot. As such, ensure that all lot lines are pulled out of buffered areas or WQ devices.
6. A WQ Pond cannot reside in the buffer. Ensure that the limits of the proposed WQ pond do not encroach into the buffered area.
7. The current Water Quality concept addresses the majority of stormwater concerns; however, during the grading plan phase, a WQ Pond/device may be required at the southwestern most portion of the property to catch water discharge from lots 17-19.

## CONDITIONS

1. A revised plan shall be submitted by December 15<sup>th</sup>, 2005 showing all the Stormwater Revisions above and the following:
  - A “C” buffer yard along Bell Road and located in open space.
  - A note on lots 13 and 14 stating that a buffer yard may be required at the issuance of building permit for double frontage situation.
2. Comply with all Public Works conditions listed above. In addition, the Commission requests that the Department of Public Works provide recommendations for improvements to Pleasant Hill at the final plat stage.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet in diameter.”

---

The Commission recessed at 7:35 p.m.

The Commission resumed at 7:40 p.m.

---

## XII. FINAL PLATS

22. **2005S-185U-05**  
Cumberland Meadows, Ph 1, Revision  
Map 084-05, Parcel 072, 073, 074  
Subarea 5 (1994)  
District 7 - Erik Cole

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

**Staff Recommendation: Approve with conditions**

### APPLICANT REQUEST

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

**SIDEWALK VARIANCE** - The applicant has requested a variance for a sidewalk along the frontage of the 3 lots previously recorded lots located on Eastland Avenue. Since the applicant has started construction, they have found the sidewalk difficult to construct. There is no unique condition on this property causing a hardship, however, as is required for approval of a sidewalk variance. Instead, the applicant wishes to construct an approximately 520 foot long section of sidewalk along one side of the existing section of Beth Drive to the intersection with Dixon Drive. Phase 2 of Cumberland Meadows extends Beth Drive. The applicant’s proposal will make a continuous sidewalk for the entire length of Beth Drive.

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

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

24-inch tree remains, approximately three feet of fill would be required at tree base. Sidewalk connectivity may be difficult for adjacent parcel to the north (Parcel 71) due to existing ground slope from roadway.

Public Works received construction plans for the sidewalk extension along the northwest margin of Beth Drive. Public Works reviewed with No Exception Taken (9/14/2005) as noted: Beth Road sidewalk extension plan has not been approved by the Metro Planning Commission.

**STORMWATER RECOMMENDATION**

1. Correct the nomenclature of FEMA note # 8. The plat cites the community panel number, so the word "map" to needs to be changed to "community".
2. Add the new subdivision number to the plat.
3. Should your plat purpose note # 1 say to remove the sidewalks along Eastland Ave.
4. Check note # 16, it appears that the note needs to be corrected void and vacate instruments 200405210059887.

**Staff Recommendation** - Staff recommends approval of the applicant's request to construct an off-site sidewalk on Beth Drive in-lieu of the required sidewalk on Eastland Avenue. The proposal will place sidewalks along the entire length of Beth Drive.

**CONDITIONS** - Prior to the recording, a final plat meeting Stormwater conditions must be submitted.

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

**Resolution No. RS2005-467**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-185U-05 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Correct the nomenclature of FEMA note # 8. The plat cites the community panel number, so the word "map" to needs to be changed to "community".
2. Add the new subdivision number to the plat.
3. Should your plat purpose note # 1 say to remove the sidewalks along Eastland Ave.
4. Check note # 16, it appears that the note needs to be corrected void and vacate instruments 200405210059887.”

23. **2005S-269U-05**  
Brownsville, Resub Of Part Of Lot 51  
Map 083-03, Parcel 254  
Subarea 5 (1994)  
District 7 - Erik Cole

A request for final plat approval to create two lots located on the north side of Rosebank Avenue, approximately 325 feet west of Roberta Street (1.33 acres), classified within the R10 District, requested by Natalie Cothran, owner, Mark D. Devendorf, surveyor.

**Staff Recommendation: Disapprove sidewalk variance**

**APPLICANT REQUEST - Final Plat (Sidewalk Variance only)**

Request for a sidewalk variance for lot 2 on the north side of Rosebank Avenue at the end of Crescent Hill Road.

**ZONING**

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

**SUBDIVISION DETAILS**

Sidewalk Variance - The Commission approved this subdivision on September 22, 2005, with a sidewalk shown on the plat for lot 2. Sidewalks are required for this lot since it is a new lot on an existing street in the Urban Services District as stated in Section 2-6.1B2 of the Subdivision Regulations.

The applicant has requested a variance citing topography and existing sidewalks on the south side as reasons for the request.



*Staff Recommendation* - A sidewalk constructability report was conducted by Metro Public Works and it was determined that the physical terrain of the subject property is gently sloping from the northeast property corner to the southwest property corner, but a sidewalk can be constructed. Drainage issues are not anticipated, given a properly designed and constructed sidewalk. Possible sidewalk designs could include the installation of drainage pipe or a properly graded drainage area, either option or additional options would be identified with the sidewalk design.

Staff recommends disapproval of the sidewalk variance since no unique hardship has been provided and since a financial contribution can be made in lieu of construction of the sidewalks.

**PUBLIC WORKS RECOMMENDATION - No Exception Taken**

Ms. Harris presented and stated that staff is recommending disapproval of the sidewalk variance.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to disapprove the sidewalk variance request for Final Plat 2005S-269U-05. **(6-0)**

**Resolution No. RS2005-468**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-269U-05 is **DISAPPROVED SIDEWALK VARIANCE. (6-0)**”

24. **2005S-330U-13**  
Ron Cherry Property  
Map 120-13, Parcel 038  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request for final plat approval to create two lots located at 1207 Currey Road, southwest corner of Currey Road and McGavock Pike (1.20 acres), classified within the R10 District, requested by Ron Cherry, owner, Smith Land Surveying, surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Final Plat**

Subdivide 1.17 acres from one parcel into two lots located at 1207 Currey Road, at the southwest corner of Currey Road and McGavock Pike.

**ZONING**

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

**PLAN DETAILS** - This subdivision proposes the creation of two lots from one parcel. Lot 1 is proposed to have frontage on Currey Drive and McGavock Pike, and Lot 2 will have frontage on McGavock Pike. Lot 1 currently has an existing house structure on it that will remain, but Lot 2 is currently undeveloped. As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 25,377 Sq. Ft., (0.58 Acres), and 100.8 ft. of frontage on Currey Drive, and 181.7 ft. of frontage on McGavock Pike.
- Lot 2: 25,977 Sq. Ft., (0.59 Acres), and 194.3 ft. of frontage on McGavock Pike.

Sidewalk requirement -This property falls within the Urban Services District, and lot 2 creates new development rights, so a sidewalk is required to be constructed along the frontage of lot 2 on McGavock Pike. This sidewalk has not been shown on the plat. Alternatively, given that there is no sidewalk on streets in the immediate vicinity, a contribution to the sidewalk fund can be accepted in lieu of actually constructing this required sidewalk. If the applicant chooses to pay the financial contribution instead of constructing the required sidewalk, a note must be added to the plat, prior to final plat approval: "Applicant required to make a financial contribution to the sidewalk fund prior to the issuance of building permits."

**Lot comparability** - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the exception if

they do not feel it is appropriate.

Two lot comparability analyses were performed, given that the proposed Lot 1 fronts on two streets, and the proposed Lot 2 on one. The two lot comparability analyses yielded: a minimum lot area of 26,776 sq. ft. for lots on Currey Drive, and 29,893 sq. ft. for lots on McGavock Pike (Lot 1 must pass both of these); and a minimum lot frontage of 129.8 linear feet for lots on Currey Drive (Lot 1), and 150.4 linear feet for lots on McGavock Pike (Lots 1 and 2). **Lot 1** did not pass either of the minimum lot areas, and only passed for minimum lot frontage on McGavock Pike. **Lot 2** passed for minimum lot frontage on McGavock Pike, but not minimum lot area.

**Staff Recommendation** - Staff recommends approval of a lot comparability exception. The proposed lots meet the density that is called for by the land use policy of Residential Low Medium (RLM). RLM policy supports a density of two to four dwelling units per acre. As single-family only lots, the density would be 1.7 homes/acre, which is almost 2 units/acre. As both duplex lots, the density would be 3.4 homes/acre, which is still within the 2-4 home/acre range.

Staff recommends that an exception to lot comparability be granted by the Commission. The subdivision qualifies for the exception criterion of being consistent with the land use policy. The proposed lots also are not significantly out of character with other lots in the area.

**PUBLIC WORKS RECOMMENDATIONS** - No exceptions taken.

**STORMWATER COMMENTS**-Approval

**CONDITION** - Prior to final plat approval, the plat must be revised to show the required sidewalk to be constructed along the frontage of lot 2 of McGavock Pike, or alternatively, add a note to the final plat that states that the applicant is required to make a financial contribution to the sidewalk fund prior to the issuance of building permits.

Mr. Pereira presented and stated that staff is recommending approval with conditions and disapproval of the sidewalk variance on Lot 2.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously, to approve with conditions Final Plat 2005S-330U-13 and to disapprove the sidewalk variance. **(6-0)**

**Resolution No. RS2005-469**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-330U-13 is **APPROVED WITH CONDITIONS, AND DISAPPROVED SIDEWALK VARIANCE. (6-0)**

**Conditions of Approval:**

1. Prior to final plat approval, the plat must be revised to show the required sidewalk to be constructed along the frontage of lot 2 of McGavock Pike, or alternatively, add a note to the final plat that states that the applicant is required to make a financial contribution to the sidewalk fund prior to the issuance of building permits.”

- 25. 2005S-341U-11**  
Bradley Candy Property, Resub. Lots 1 And 2  
Map 106-06, Parcel 055, 056  
Subarea 11 (1999)  
District 17 - Ronnie E. Greer

A request for final plat approval to create three lots located at 1100 Murfreesboro Pike and 100 Menzler Road, intersection of Murfreesboro Pike and Menzler Road (3.08 acres), classified within the IR District, requested by Tommy Smith, applicant for Jack D. Smith and William J. and Mary A. Brennan, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Final Plat**

Request for final plat approval to create three new lots from two existing lots on 3.08 acres located at 1100 Murfreesboro Pike, and 100 Menzler Road.

**Zoning**

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

**SUBDIVISION DETAILS** - As proposed, three new lots will be created out of two existing lots. Currently there are three buildings on both lots, with one building on lot 1 and two buildings on lot 2. Because the request is within an Industrial district, sidewalks are not required. Also, there is no minimum lot size, nor are lots required to be comparable with surrounding lots. As proposed each existing building will be on a different lot. New lots will consist of the following areas:

1. 95,479 sq. ft. (2.19 ac);
2. 33,530 sq. ft. (0.77 ac); and
3. 5,348 sq. ft. (0.12 ac).

**Staff Recommendation** - Staff recommends approval of this request.

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-470**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-341U-11 is **APPROVED. (8-0)**”

26. **2005S-348U-10**  
White Oak Subdivision  
Map 117-03, Parcel 117  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request for final plat approval to create 2 lots located at the southeast corner of Sharondale Drive and Valley Road (0.70 acres), classified within the R10 District, requested by Thomas P. and Sally R. Kanaday, Jr., owners, Jesse Walker, surveyor.

**Staff Recommendation: Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Final Plat 2005S-348U-10 to January 12, 2006 at the request of the applicant. (8-0)**

27. **2005S-349U-13**  
Armstrong's Ezell Road Subdivision  
Map 148, Parcel 021, 128  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request for final plat approval to create 4 lots located on the east side of Bakertown Road, approximately 260 feet south of Ezell Road (2.6 acres), classified within the R10 District, requested by Gary Armstrong, owner, Campbell, McRae and Associates, surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST**

**Final Plat** - Request for final plat approval to create four new lots on 2.6 acres, located on the east side of Bakertown Road, south of Ezell road.

**Zoning**

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

**SUBDIVISION DETAILS**

As proposed, four new lots will be created out of one existing parcel containing approximately 2.6 acres. New lots will contain the following areas and frontages:

- Lot 1: 20,497 sqft. (.47 ac), 40 ft of frontage;
- Lot 2: 15,676 sqft (.36 ac), 63 ft of frontage;
- Lot 3: 21,522 sqft (.49 ac), 63 ft of frontage;
- Lot 4: 34,165 sqft (.78 ac), 63 ft of frontage.

**Lot Comparability** - Although all lots meet the R10 minimum lot area requirement of 10,000 square feet, the lot comparability provisions in Section 2-4.7 of the Subdivision Regulations require that new lots in areas that are predominantly developed must be “generally in keeping with the lot frontage and lot size of the existing surrounding lots.” An exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan.

Lot comparability analysis for this area indicated that the minimum required lot area is 10,840 square feet, and the minimum lot frontage is 74.6 linear feet. All lots pass for area while none of the lots pass for frontage.

The land use policy for the area is Residential Low Medium (RLM). The Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. This proposal is consistent with the RLM policy. Under 17.16.030 D. of the Metro Code, only 25% of the new lots, or one lot, can include a two family home. The maximum number of dwelling units for this property, therefore, would be five, which is well within the two to four units per acre called for under RLM policy. For this reason, staff recommends approval of a lot comparability exception for the frontage for all four lots.

**Sidewalks** - The request is located in the Urban Services District and sidewalks are required. Sidewalks are shown on the plat.

**PUBLIC WORKS RECOMMENDATION** - Construction plans for sidewalk must be reviewed and approved by Public Works prior to recordation.

**CONDITIONS** - Construction plans for sidewalks must be reviewed and approved by Public Works prior to recordation.

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

**Resolution No. RS2005-471**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-349U-13 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. Construction plans for sidewalks must be reviewed and approved by Public Works prior to recordation.”

**XIII. PLANNED UNIT DEVELOPMENTS (revisions)**

- 28. 21-76-U-07**  
 Post Square Shopping Center  
 Map103-14, Parcel 114  
 Subarea 7 (2000)  
 District 24 - John Summers

A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development District on the south side of White Bridge Road, classified SCC district, (1.02 acres), to permit the construction of a 4,000 Sq. Ft. bank, requested by ETI Corporation representing First Tennessee Bank, applicant for Post Square Shopping Center, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary and Final PUD**

Request to revise the preliminary plan, and for final approval for a portion of a Commercial Planned Unit Development, located on the south side of White Bridge Road, (1.02 acres) to permit the construction of a 4,000 sq. ft. bank, replacing a 3,500 square foot existing restaurant.

**PLAN DETAILS**

Applicant is proposing to revise the preliminary plan by converting an existing 3,500 square foot restaurant into a bank with 4,000 square feet of floor area.

**History** - The preliminary plan was approved with a total of 44,252 square feet of development rights, and 3,250 square feet for a restaurant on this parcel. The request is for a 4,000 square foot bank. While the request is greater than what was shown on the preliminary, it does not exceed 10% of the total approved (44,252 sq. ft.) preliminary plan.

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken  
**STORMWATER RECOMMENDATION** - Under Technical Review

**CONDITIONS (If approved)**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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 for filing and recordation with the Davidson County Register of Deeds.
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.

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

**Resolution No. RS2005-472**

"BE IT RESOLVED by The Metropolitan Planning Commission that 21-76-U-07 is **APPROVED WITH CONDITIONS.**  
**(8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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.”

- 
29. **28-79-G-13**  
Cambridge Forest, Phase 3, Lot 327  
Map 149-15-0-A, Parcel 244co  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request for a variance in year yard requirements from 20 feet to 11 feet, for a lot in the residential Planned Unit Development district located at 1601 Bridgecrest Drive, along the west side of Rural Hill Road, (0.14 acres), requested by Equity Builders Group, owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST - Setback Variance**

Request for a variance in year yard setback requirements, from 20 feet to 11 feet, for a 0.14 acre lot in the Residential Planned Unit Development district, located at 1601 Bridgecrest Drive.

**PROPOSAL DETAILS** - Since this lot is located within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over variance requests.

The lot is located at the southern exterior of the Cambridge Forest PUD. The base zoning is R15, requiring a 15,000 square foot lot. The lot is approximately 5,975 square feet, as is permitted under this PUD approval. The lot directly abuts property zoned AR2a that is under separate ownership, not a detention pond as is shown on the exhibit that the applicant submitted. Since this is a PUD approved prior to the 1998, Zoning Code Update, there is no landscape buffer yard behind this lot to minimize the impact of a reduced setback on the abutting property owner.

Staff recommends disapproval of the request to vary the rear setback finding that there is no unique or apparent hardship associated with this property. The applicant should find a house plan better suited to the lot and its required setbacks rather than attempt to modify the approved lot to meet their proposed house plan.

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

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to disapprove 28-79-G-13. **(6-0)**

---

**Resolution No. RS2005-473**

“BE IT RESOLVED by The Metropolitan Planning Commission that 28-79-G-13 is **DISAPPROVED. (6-0)**”

---

30. **74-79-G-13**  
Nashboro Village - Tract 3  
Map 135-00, Parcel 309  
Subarea 13 (2003)  
District 29 - Vivian Wilhoite

A request for final approval for a portion of a residential Planned Unit Development located on the east side of Murfreesboro Road and south side of Nashboro Boulevard (unnumbered), classified (11.52 acres), to permit the development of 73 town homes, requested by Wamble and Associates, applicant for Vastland Nashboro Development, LLC, owner.

**Staff Recommendation: Approve with conditions**

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

Request to revise the preliminary and for final approval of a phase of a Planned Unit Development district on 11.52 acres located on the east side of Murfreesboro Road and south side of Nashboro Boulevard (unnumbered), classified R10, to permit 73 multi-family units.

### **PLAN DETAILS**

*History-* This tract of the preliminary PUD plan was approved in 1979 for 78 townhouse units located along private access drives off of Nashboro Boulevard. Section 17.40.120 of the Metro Zoning Ordinance states that a modification of an approved preliminary PUD is allowed to be considered as a “revision” if it does not change the basic development concept, and does not increase the total floor area more than ten percent beyond the total floor area last approved by Council. As this modification reduces the number of units by six percent, it is considered a revision to preliminary, and current parking and landscaping requirements apply.

*Site Design, Access, & Parking -* The submitted final PUD plans propose 73 townhome units situated on an existing private driveway, to be extended to connect to Nashboro Boulevard in a second location. There are 73 two-bedroom units that are proposed, with 114 striped parking spaces located off of the private drive to serve units 1-55 (on the north side of the private driveway), and 18 driveways with garages to serve units 56-73 (on the south side of the driveway). All units will front on the private driveway, with the units on the north side to back up to a large open space area.

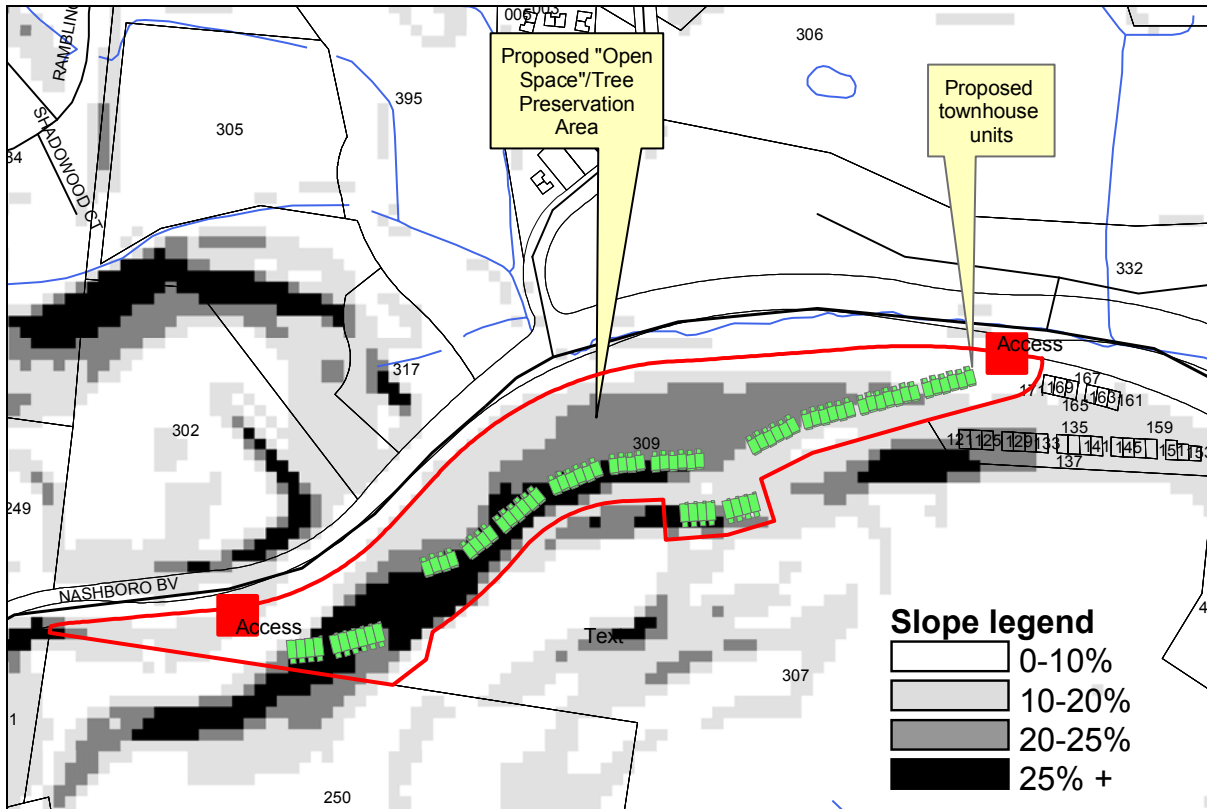
One hundred forty-six parking spaces are required for this development, and 150 are proposed.

*Open Space & Tree Preservation -* The applicant has worked with Planning staff to address the need to preserve the largely forested “save area” along Nashboro Boulevard as open space. In all, there are 2.97 acres proposed for open space, constituting 25.8 percent of this phase of the PUD. The preservation of mature trees will serve several functions: 1) maintain the aesthetically-gratifying corridor along Nashboro Boulevard, 2) buffer the townhome units from the road, and 3) serve as a tool in slope stabilization.

*Topography -* There is a large portion of the site that has slopes over 20 and 25 percent, set back from Nashboro Boulevard. The hillside development standards of the Metro Zoning Ordinance have tree preservation requirements for multifamily developments on/near hillsides. Section 17.28.030, subsection A states that

*“the portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater should be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.”*

The area where existing mature trees are to be preserved has slopes between zero and 20 percent, while the area proposed to be partially graded has slopes ranging from 10 to over 25 percent (see Exhibit 1). Nevertheless, because the preliminarily approved PUD does *permit* townhouse development on slopes over 20 and 25 percent, a certain degree of grading looms imminently within this site’s panorama. The applicant has worked with Planning staff, however, to minimize excessive grading beyond the area to be partially disturbed for townhome development on this final PUD.



**Exhibit 1. Slopes and proposed townhome units, access points, and open space area**

*Slope stabilization* - First, the plans appropriately propose townhome development that is built *into* the hillside, with second floor front entry along the private driveway, and a first floor/basement at the rear of the unit. Secondly, as discussed above, the landscaping plans show the use of existing trees for the open area along the boulevard, with the exception of two areas where the majority of existing trees will be removed: At the northwestern entrance of the private driveway, where trees will be removed for adequate site distance and a detention/water quality pond, as well as to the east along Nashboro Boulevard, where there is an additional detention/water quality pond. A four-foot tall berm and new landscape bufferyard will be provided between the boulevard and the ponds. Thirdly, all areas that are graded to the rear of the townhome units will be seeded and stabilized with erosion control matting. These areas will re-vegetate naturally and are not intended to be mowed or maintained.

As a general standard, any slopes greater than 30 percent are considered unsafe for lawn mowing (too steep). This standard applies to the area between unit #35 and 36, where the slope is roughly 36 percent, and the area between unit #41 and 42, where the slope is almost 38 percent. Given these slopes, normal grass sodding is not acceptable. The groundcover proposed for these areas between townhome sets is a 1 gallon Leatherleaf Sedge at 30" O.C., which is a grass that will provide soil stabilization and not impede drainage.

Planning staff does discourage the use of high retaining walls to stabilize the slopes, as these can be dangerous for residents. In general, all retaining walls should not exceed four feet in height. This restriction has been added as a note on the plans. In addition, no rip-rap rock shall be used to stabilize any slope, and this has also appeared as an explicit note on the plans.

*Sidewalks* - A sidewalk has been shown along the north side of the private drive that serves the townhomes.

**STORMWATER DEPARTMENT RECOMMENDATION**

Returned for Corrections:

1. Need NOC, Detention Agreement, and sediment pond calculations.

**PUBLIC WORKS RECOMMENDATION - Public Works' comments:**

1. Provide guest parking, or build private street to ST 252 Standard.
2. Approvals are subject to Public Works' review and approval of construction plans.



Traffic comments:

1. Provide adequate site distance for new driveway and median cut.

**FIRE MARSHAL RECOMMENDATION**

1. Fire hydrants should flow at least 1000 GPM's at 40 psi.
2. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. (Metro Ordinance 095-1541 Sec: 1568.020 B).

**CONDITIONS**

1. Prior to final PUD approval, Stormwater comments as listed above must be adequately addressed to the satisfaction of the Stormwater Division of Water Services.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. 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 for filing and recordation with the Davidson County Register of Deeds.
6. 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.
7. 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.
8. Approvals are subject to Public Works' review and approval of construction plans.
9. The final PUD plans must provide adequate site distance for the new driveway and median cut.
10. Fire hydrants should flow at least 1000 GPM's at 40 psi.
11. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. (Metro Ordinance 095-1541 Sec: 1568.020 B).

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

**Resolution No. RS2005-474**

"BE IT RESOLVED by The Metropolitan Planning Commission that 74-79-G-13 is **APPROVED WITH CONDITIONS.**  
**(8-0)**

**Conditions of Approval:**

1. Need NOC, Detention Agreement, and sediment pond calculations.
2. Provide guest parking, or build private street to ST 252 Standard.
3. Approvals are subject to Public Works' review and approval of construction plans.

4. Provide adequate site distance for new driveway and median cut.
5. Fire hydrants should flow at least 1000 GPM's at 40 psi.
6. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. (Metro Ordinance 095-1541 Sec: 1568.020 B).
7. Prior to final PUD approval, Stormwater comments as listed above must be adequately addressed to the satisfaction of the Stormwater Division of Water Services.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
9. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
11. 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 for filing and recordation with the Davidson County Register of Deeds.
12. 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.
13. 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."

**31. 18-84-U-10**

Covenant Presbyterian Church  
 Map 131-06-0-A, Parcel 011  
 Subarea 10 (2005)  
 District 25 - Jim Shulman

A request to revise a portion of the preliminary site development plan and for final approval of the Residential Planned Unit Development located abutting the northeast margin of Hillsboro Pike and Harding Place, classified R-15 and R-40, (12.28 acres), to permit a 1,200 seat sanctuary, an additional 38,789 square feet of church associated classroom and storage space within the footprint of the previously approved sanctuary and a playground, requested by Barge Cauthen and Associates, Inc., applicant for Covenant Presbyterian Church, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - Revision to Preliminary and Request to revise a portion of the preliminary site Final PUD development plan and for final approval of the Residential Planned Unit Development to permit a 1,200 seat sanctuary, an additional 38,789 square feet of church associated classroom and storage space within the footprint of the previously approved sanctuary, and a playground. The project is located abutting the northeast margin of Hillsboro Pike and Harding Place.

**HISTORY** - The Covenant Presbyterian Church was originally approved in 1997, and included a 1,200 seat sanctuary and a 50,000 square foot office and study center. A portion of the church was constructed and in 2001, was permitted to be used as an elementary school. The 1,200 seat sanctuary is the remaining portion of the plan to be constructed. This request includes church associated classroom space (Sunday school) to be located under the sanctuary. There will not be an increase in impervious surface or a loss of open space associated with this request.

There are two conditions of approval that will be carried forward with this approval:

1. The Harding Place ingress/egress gate shall be locked except during church related services or functions. This includes Sunday morning and Wednesday night scheduled services and holiday services.
2. After the completion of each phase of the elementary school and the church, a traffic count survey shall be completed by the school or church, and submitted to the Metro Planning Department and Metro Traffic Engineer. The survey will determine when the existing traffic signal at the Burton Hills Boulevard/Hillsboro Pike intersection should be activated based on traffic conditions. The intersections to be included in the traffic count survey shall be determined by the Traffic Engineer.

**PUBLIC WORKS RECOMMENDATION** - No exception taken.

**CONDITIONS** (If approved)

1. Provide extra vegetative materials, beyond the existing vegetation, to adequately screen the playground from Hillsboro Road. The materials for the playground shall be natural colored materials (green, brown, etc.) to blend with the vegetation.
2. The Harding Place ingress/egress gate shall be locked except during church related services or functions. This includes Sunday morning and Wednesday night scheduled services and holiday services.
3. After the completion of each phase of the elementary school and the church, a traffic count survey shall be completed by the school or church, and submitted to the Metro Planning Department and Metro Traffic Engineer. The survey will determine when the existing traffic signal at the traffic signal at the Burton Hills Boulevard/Hillsboro Pike intersection should be activated based on traffic counts. The intersections to be included in the traffic count survey shall be determined by the Traffic Engineer.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. 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 for filing and recordation with the Davidson County Register of Deeds.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2005-475**

“BE IT RESOLVED by The Metropolitan Planning Commission that 18-84-U-10 is **APPROVED WITH CONDITIONS, (8-0), including all Metro Stormwater conditions of approval, and amend condition #2 to read, “The Harding Place ingress/egress gate shall be shut and locked after sunset, except when services or events are scheduled.”**”

**Conditions of Approval:**

1. Provide extra vegetative materials, beyond the existing vegetation, to adequately screen the playground from Hillsboro Road. The materials for the playground shall be natural colored materials (green, brown, etc.) to blend with the vegetation.
2. The Harding Place ingress/egress gate shall be locked except during church related services or functions. This includes Sunday morning and Wednesday night scheduled services and holiday services.

3. After the completion of each phase of the elementary school and the church, a traffic count survey shall be completed by the school or church, and submitted to the Metro Planning Department and Metro Traffic Engineer. The survey will determine when the existing traffic signal at the traffic signal at the Burton Hills Boulevard/ Hillsboro Pike intersection should be activated based on traffic counts. The intersections to be included in the traffic count survey shall be determined by the Traffic Engineer.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. 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 for filing and recordation with the Davidson County Register of Deeds.
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.”

- 32. 43-87-P-14**  
 Truxton Village  
 Map 064-16, Parcel 53, 55  
 Subarea 14 (2004)  
 District 11 - Feller Brown

A request for final approval for a portion of a commercial and residential Planned Unit Development located at Lebanon Pike (unnumbered), and Windsor Chase Way (unnumbered), classified RM9 (17.62 acres), to permit the development of 118 residential units, requested by Anderson, Delk, Epps and Associates, applicant, for Eddie Phillips Development, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Final PUD**

Request for final approval for a portion of a commercial and residential Planned Unit Development, 17.62 acres), to permit the development of 118 townhomes. The site is located at Lebanon Pike (unnumbered) and Windsor Chase Way (unnumbered).

**PLAN DETAILS** - This PUD was recently amended by the Metro Council to permit the 118 townhomes, replacing 150,800 square feet of undeveloped office space. The property was rezoned to RM9 from R10 at that time to allow for the change in use.

**Site Design** - The site is accessed from Andrew Jackson Parkway via Windsor Chase Way. This street is shared with the Truxton Park Subdivision. Inside, the condominium units are served by a network of private streets with sidewalks.

A landscape buffer is provided along the property boundary abutting the adjacent commercial development.

All individual driveways are to be 20 feet from the back of sidewalk to the units, to prevent vehicles from parking on the sidewalk. A sidewalk connects the development to the commercial portion of the PUD.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted Truxton Village PUD / Oakwood Commons / Merritt Downs final PUD (143-87-P-14), received November 21, 2005. Public Works' comments are as follows:

1. Sign dead end of Windsor Chase Way per MUTCD standards.
2. Show stop sign and stop bar for both sides of Remington Park Road and Windsor Chase Court.

**CONDITIONS**

1. A “B” landscape buffer shall extend the entire length of Windsor Chase Way to buffer the rear of the units facing Windsor Chase Way, instead of stopping at the zoning line.

2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
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 for filing and recordation with the Davidson County Register of Deeds.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2005-476**

“BE IT RESOLVED by The Metropolitan Planning Commission that 43-87-P-14 is **APPROVED WITH CONDITIONS.** (8-0)

**Conditions of Approval:**

1. Sign dead end of Windsor Chase Way per MUTCD standards.
2. Show stop sign and stop bar for both sides of Remington Park Road and Windsor Chase Court.
3. A “B” landscape buffer shall extend the entire length of Windsor Chase Way to buffer the rear of the units facing Windsor Chase Way, instead of stopping at the zoning line.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

- 33. 91P-006U-12**  
Thompson Station Commercial PUD  
Map 147-11, Parcel 031  
Subarea 12 (2004)  
District 27 Randy Foster

A request to revise a portion of the approved preliminary site development plan, and for final approval for a Commercial Planned Unit Development abutting the west margin of Nolensville Pike, and the north margin of Cotton Lane (1.81 acres), classified CL, to permit the development of a 9,000 square foot restaurant, requested by Azimtech Engineering, applicant for Mt. View, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary and Final PUD**

Request to revise the approved preliminary plan and final approval for a portion of a Commercial Planned Unit Development located on the west side of Nolensville Pike, (1.81 acres), to develop a 9,000 square foot restaurant.

**PLAN DETAILS**

**Site Plan** - The plan calls for a 9,000 square foot restaurant on approximately 1.81 acres.

**Access** - The restaurant will be accessed by Nolensville Pike to the east, by a private drive, and by Cotton Lane.

Parking Zoning Code stipulates 1 parking space for every 100 sq. ft. for restaurants; therefore, a total of 90 parking spaces are required. The plan provides 91 spaces.

**Recommendation** - Staff recommends that the plan be approved.

**PUBLIC WORKS RECOMMENDATION**

1. Add cover sheet with all required documentation.
2. Any approvals are subject to Public Works’ approval of construction plans. Final design and improvements may vary based on field conditions.
3. Developer shall modify traffic signal and install pedestrian signals, and ADA facilities at the private drive and Nolensville Pike intersection. Developer shall submit signal plans to Metro Traffic engineer for approval.

**STORMWATER RECOMMENDATION** - Show underground treatment unit as-built on plans.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

4. This final approval includes conditions which require correction/revision of the plans. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

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

**Resolution No. RS2005-477**

“BE IT RESOLVED by The Metropolitan Planning Commission that 91P-006U-12 is **APPROVED WITH CONDITIONS. (8-0), except delete Public Works condition #3.**

**Conditions of Approval:**

1. Add cover sheet with all required documentation.
2. Any approvals are subject to Public Works’ approval of construction plans. Final design and improvements may vary based on field conditions.
3. ~~Developer shall modify traffic signal and install pedestrian signals, and ADA facilities at the private drive and Nolensville Pike intersection. Developer shall submit signal plans to Metro Traffic engineer for approval.~~
4. Show underground treatment unit as-built on plans.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
8. This final approval includes conditions which require correction/revision of the plans. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

- 
- 34. 2003P-002G-02**  
 Cobblestone Creek (Amendment)  
 Map 041-00, Parcel Various  
 Subarea 2 (1995)  
 District 3 - Carolyn Baldwin Tucker

A request to amend the preliminary plan for a Planned Unit Development located at various properties along the north side of Old Hickory Boulevard, 1,700 feet east of Hickory Hills Boulevard, classified R8, (38.50 acres), to add a condition to the PUD that 50% of the cladding on each house shall be of brick and the required brick shall be distributed as follows: the entire building front shall be clad with brick; the remaining required brick shall be placed on the building sides and back, distributed in whatever manner is chosen by the homebuilder. In addition, all foundations shall have brick, stone or split-

faced block to grade. After the effective date of this amendment, no building permit shall be issued for a house within the PUD that is not compliant with these provisions, requested by Councilmember Carolyn Baldwin Tucker.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - PUD Amendment**

Request to Amend the preliminary Planned Unit Development district on 38.50 acres located on various parcels, including 7585 Old Hickory Boulevard, west of Brick Church Pike, to add a condition to the PUD that 50% of the cladding on each house shall be of brick and the required brick shall be distributed as follows: the entire building front shall be clad with brick; the remaining required brick shall be placed on the building sides and back, distributed in whatever manner is chosen by the homebuilder. In addition, all foundations shall have brick, stone or split-faced block to grade. After the effective date of this amendment, no building permit shall be issued for a house within the PUD that is not compliant with these provisions.

**PLAN DETAILS**

Council bill amendment (BL2003-1394) - The preliminary PUD was passed by the Metro Council on second reading on May 6, 2003. The council bill was amended on third reading to include the following:

- To amend the Planned Unit Development document by increasing the brick component from a minimum of 30% brick to a minimum of 50% brick.

Phase 2 of the final PUD plan was considered at the November 10, 2005, Planning Commission meeting, but was deferred indefinitely so that this amendment could be considered and acted upon by the Commission and Metro Council first. The councilperson has introduced this amendment at the request of the community. The developer of the Cobblestone Creek PUD, which already has had approved final PUDs and final plats on two of a total of four phases, has interpreted the above amendment to the council bill regarding brick components to mean "50% of the front" of each unit. The community does not agree with the developer's interpretation of the original amendment to the bill, and has instead insisted on this new amended interpretation as being most consistent with the original intent of the bill—of 50% of the cladding on each house to be brick, with the associated distribution as listed above.

**Staff recommendation-**There are no significant Planning issues regarding this amendment to the bill, and as such, staff recommends approval. After the effective date of this amendment, no building permit shall be issued for a house within the PUD that is not compliant with these provisions. The amendment is *not* retroactive; i.e., it will not apply to any house already constructed, or any building that is partially constructed that has already received building permits.

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

Mr. Tom White, 315 Deadrick, spoke in opposition to the amendment.

Mr. Mike Stokes, 1040 Avondale Road, spoke in opposition to the amendment.

Mr. Steve Gilliam, 2310 Tinney Place, spoke in opposition to the amendment.

Mr. Joseph Beard 4613 Setter Court, spoke in favor of the amendment.

Ms. Harriet Hickson, 4612 Setter Court, spoke in favor of the amendment.

Mr. Vincent Taylor, 2209 Quail Ridge Drive, spoke in favor of the amendment.

Mr. Albert Powell, 4250 Brick Church Pike, spoke in favor of the amendment.

Mr. Ponder spoke in favor of honoring the original agreement set up in the restrictive covenants.

Mr. Bernhardt explained the request of the applicant as well as the history of the proposal.

Mr. Clifton requested clarification on the request being an amendment as opposed to a revision to the PUD.

There was a brief discussion regarding the type of request being made to the Commission.

Mr. Clifton requested clarification from the legal advisor, Margaret Holleman.



Ms. Holleman confirmed that when the amendment was filed, it appeared there was a blurring of a private document that the Metropolitan Government was not a party to and a Council action -- which is the amendment. She further stated that the amendment attempts to amend a private agreement between the property owner and the residents. She stated that a non-party to that document, can not amend that it. She stated that the amendment was defective and had no affect. She summarized by stating that the Commission is in the position to figure out the intent of the amendment.

Mr. McLean recognized that the Commission has no authority over a restrictive covenant.

Ms. Holleman stated that is the reason why the amendment was filed by the Council Lady. She stated that neither the Commission, nor Metro, has authority over a private covenant.

Mr. Clifton spoke of the issue of restrictive covenants.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove amending Planned Unit Development 2003P-002G-02 to allow the applicant to return to the January 12, 2006 agenda. **(6-0)**

#### **Resolution No. RS2005-478**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003P-002G-02 is **DISAPPROVED. (6-0)**

**The Commission did not find sufficient evidence that supported the request.”**

- 35. 2004P-004U-13**  
Carrolton Station  
Map 149-00, Parcels 178, 226, 348  
Map 162-00, Parcels 24, 187, 249  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request to revise the preliminary site plan and for final approval of a mixed use Planned Unit Development located abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, classified RM6, (27.4 acres), to permit the development of 126 town homes and 8 single family lots, requested by Civil Site Design Group, applicants for Dial Properties, LLC, owner.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Revise Preliminary and Final PUD**

Request to revise the approved preliminary plan, and final approval for a portion of a mixed use Planned Unit Development located on the north side of Una-Antioch, classified RM6 (27.4 acres), to permit the development of 126 town homes and 8 single-family lots.

#### **PLAN DETAILS**

**Site Plan** - As proposed, the plan calls for the development of 126 townhomes to be located along private drives on approximately 21 acres, and 8 single-family lots to be located at the end of Bowfield Road, and Chadfield Way. Five lots are to be developed on Bowfield and three are to be developed on Chadfield.

**Sidewalks** - Sidewalks are shown as approved with the preliminary plan. Because street connections were not required with Bowfield or Chadfield, pedestrian easements and sidewalk were required. The plan identifies a sidewalk connection to both Bowfield and Chadfield; however, an additional sidewalk should be provided to allow for a more adequate pedestrian flow.

**Access** - Access to the 126 town homes will be provided by a private drive off of Payne Road.

**Original Preliminary Plan** - The original preliminary plan called for Payne Road and Hickory Hallow Parkway to be aligned. Because of geographical constraints, Public Works has agreed that that relocating the roadway closer to the eastern property line, allowing for a turn lane to be installed, is sufficient. The original preliminary plan called for 14,000 square feet of commercial to be located on two lots along Una-Antioch. The revised plan calls for 14,000 square feet of commercial use to be located on one lot along Una-Antioch.

**PUBLIC WORKS RECOMMENDATION** - Comments will be provided prior to the Planning Commission meeting.

## STORMWATER RECOMMENDATION

1. Provide copy of NOC.
2. Needs EPSC note and signature on plans.
3. Needs dedication of easement document for the ponds, access to the ponds, and any pipes carrying public water. If site is to be platted, provide copy of the plat. Also provide detention agreement and recording fee.
4. For the erosion controls, silt fence placement is only appropriate parallel to contours. Revise with temporary diversions/swales.
5. Provide construction schedule if construction is estimated to be over 12 months.
6. Provide all civil details, and reference Metro's BMP's (Best Management Practices).
7. For stormwater structures and pipes:
  - Correct drainage maps and provide appropriated drainage areas and C-values.
  - Provide rim elevations for the hydraulic grade lines (up and down nodes).
  - Adjust minimum pipe sizes for pipes in the ROW (or carrying public water) – 18" minimum pipes are required for lengths in excess of 50'.
  - Provide pipe velocities.
  - Adjust spread (for ROW or areas carrying public water).
  - Provide ditch calculations.
8. For the detention ponds calculations, the majority of the site appears to be in the "B" soils group (not "C"). Double check pre-conditions.
9. Detention ponds do not appear to be safe. Fencing and adequate access for maintenance must be addressed.
10. For the water quality calculations, the live pool volume for pond 1 is incorrect. With a 24 hour down pour time, a 90% capture rate is required.
11. For the water quality calculations, double check the live pool volume on pond 2. It appears that an excessive amount of water is being treated.
12. For the water quality calculations for both ponds, double check H-Ho elevations. "H" elevations should be to the first weir/orifice elevation above the live pool orifice.
13. On sheet C2.01, double check contours to HW34. It appears as if it is flowing in the opposite direction.
14. Double check TW/BW elevations in both ponds.
15. Make any corrections as noted on plans.

## CONDITIONS

1. Provide an additional sidewalk from the development to Chadfield and Bowfield. Plan must be approved by planning staff prior to the issuance of any permits.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. 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.
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 re-approval by the Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. RS2005-479**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-004U-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Provide an additional sidewalk from the development to Chadfield and Bowfield. Plan must be approved by planning staff prior to the issuance of any permits.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. 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.
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 re-approval by the Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

- 
- 36. 2004P-005U-10**  
Hillsboro Circle PUD  
Map 131-02, Parcel 12  
Subarea 10 (1994)  
District 25 - Jim Shulman

A request for final approval for a commercial Planned Unit Development located 4103 Hillsboro Circle, classified MUL with the exception of bar and night club uses, (.17 acres), to permit a 2,459 square foot office building and 1,459 square feet of storage, requested by Barge Cauthern and Associates, applicant for Wentworth Coldwell, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST-Final PUD**

Request for final approval for a Planned Unit Development located 4103 Hillsboro Circle, (0.17 acres), to permit the development of a 2,459 square foot office building and 1,459 square feet of storage.

**APPLICATION DETAILS**

**Zoning (MUL district) - Mixed Use Limited** is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. Included in the Council bill was a condition that all uses would be permitted with the exception of bar and night club uses. This proposal is also within the Green Hills Urban Design Overlay.

**Site Design**-The plan proposes a 2,459 square feet for office and 1,459 square feet for office storage. The plan proposes to use the existing building and parking spaces. Access is provided off of Hillsboro Circle with most of the parking (8 spaces) in the rear. One space is proposed in the front.

**STORMWATER RECOMMENDATION** - Approved.

**PUBLIC WORKS RECOMMENDATION** -Show joint use driveway easement.

**CONDITIONS**

1. Prior to the issuance of any building permits, provide revised plans that removes preliminary PUD wording on plans.

2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration.
4. 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.
5. 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 for filing and recordation with the Davidson County Register of Deeds.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2005-480**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-005U-10 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any building permits, provide revised plans that removes preliminary PUD wording on plans.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration.
4. 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.
5. 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 for filing and recordation with the Davidson County Register of Deeds.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Planning Commission.
7. 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.”

- 
37. **2004P-018G-14**  
Heritage Hills  
Map 076-10, Parcel 82, 83  
Subarea 14 (2004)  
District 12 - Jim Gotto

A request for revision to preliminary and final approval for a residential Planned Unit Development district located at Lebanon Pike (unnumbered), east of Tulip Grove Road, at the Wilson County Line, classified RS10 and CS, and proposed for RS10 and RM6, (52.24 acres) , to permit 82 town homes (approved for 90) and 76 single-family lots (approved for 90) , requested by Lose and Associates, applicant for Rusco Company, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary and Final PUD**

Request for revision to preliminary and final approval for a Planned Unit Development district, classified RS10 and CS, and proposed for RS10 and RM6, (52.24 acres), to permit 82 townhomes (approved for 90) and 76 single-family lots (approved for 90). The property is located at Lebanon Pike (unnumbered), east of Tulip Grove Road, at the Wilson County Line.

**PLAN DETAILS**

**Site Design** - The overall plan proposes a total of 193 units where 81 units will be townhouses and 109 units will be single-family lots. The subdivision includes 33 single-family units in Wilson County and, 76 single-family in Davidson County. All of the townhouses will be located in Davidson County. The townhouses are proposed in the northern portion of the property, just south of Lebanon Pike. The Wilson County portion of the plan is scheduled for the Mt. Juliet's December 15th Planning Commission Agenda.

**Access** - The main access to the development is from the new "Lady Nashville Drive" off Lebanon Pike. This street continues through the entire site and stubs out at the southern property line. There is also a connection to Lebanon Road in Wilson County through Oak Leaf Drive on the eastern side of the property. Three future street connections are provided to the southern and western boundaries of the PUD.

A "B" buffer yard with a minimum width of 10 feet as required by the Zoning Code has been provided along all exterior boundaries of the site.

**Public Works Recommendation** - Following are review comments for the submitted Heritage Hills final PUD (2004P-018G-14), received November 21, 2005. Public Works' comments are as follows:

1. Any approval is subject to Public Works' approval of signal plans. Site plans to be consistent with the approved signal plans.

**Construction plan comments:**

Show detail sheets on the box culvert stamped by the designer.

Sheet C1.01: Remove stop bar on entering lane of Lady Nashville Road. Show stop sign locations. Dimension 200 feet of storage for exiting lanes from stop bar location. Show dashed white line transition instead of bay taper striping. Remove marked crosswalks.

**Previous Approvals** - The following is a list of traffic improvements that were required in the council bill that enacted this Planned Unit Development. They are to be completed or bonded prior to the issuance of first use and occupancy permit.

1. Modify the signal at Lebanon Road and Andrew Jackson Parkway to include a right- turn -overlap phase for the Northbound approach of Andrew Jackson Parkway.
2. Modify the signal at Lebanon Road and Tulip Grove Road to include a right turn -overlap phase for the Northbound approach of Big Horn/Tulip Grove Road.
3. Restripe northbound Tulip Grove Road approach at Lebanon Road to include a left turn lane, a thru lane, and a separate right turn lane. This right turn lane must include 200 ft of storage and transitions per AASHTO standards.

4. Project access road shall be constructed with two exit lanes and one entering lane. The left turn and right turn lanes must provide 200 ft of storage length with transitions per AASHTO standards.
5. Install a left turn lane on Lebanon Road at site access one with 100 ft of storage. Submit construction plans, designed per AASHTO standards, to Tennessee Department of Transportation and Metro Public Works Traffic Engineer for approval.
6. Provide adequate sight distance at project access road. Remove vegetation as necessary to provide adequate sight distance. Submit sight distance documentation for Metro Public Works review and approval.

#### **STORMWATER RECOMMENDATION**

Before a grading permit can be issued the following items must be addressed:

7. Provide time of concentration calculations for pre and post developed conditions for the detention pond.
8. Label the time of concentration for each inlet. If more than 5 minutes, show calculations.
9. Provide a drainage area map for the 2 downstream structures (what is currently draining to the structures, including offsite drainage) and invert elevations for both structures.
10. Determine the percentage of the site that flows to the downstream structures and the capacity of these structures.
11. Because the following pipes carry offsite runoff, they shall be located within a drainage easement: 5, 6, 7, 12, 13, 14, 15, 16, 17, 20, and 25. This also means that the detention ponds will have to be located within an easement. This can be accomplished with the final plat for the subdivision.
12. Provide spillway calculations for pond B.
13. Include calculations to size each ditch shown, with drainage areas shown.
14. In the detention calculations, label the undetained area to pond B.
15. Where is the 548 contour in front of structure no. 22?
16. Look at eliminating pipe no. 19 and extending the area drain between 18 and 19 30' south. This would eliminate an area drain and be approximately the same length of pipe.
17. Strictly looking at pre and post developed numbers, the ponds do not detain the 2-10 year storm events. The routed flow shall be less than the pre developed flow for the 2-10 year storm events.
18. The 2 year pre developed flow using the SCS method seems low – provide curve number determination and time of concentration calculations.

#### **CONDITIONS**

1. Comply with Public Works and Stormwater conditions of approval listed above.
2. 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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

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

**Resolution No. RS2005-481**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-018G-14 is **APPROVED WITH CONDITIONS (8-0), including adding condition #6 to read as follows, “The plans show point #1 located in a Metro buffered stream. A buffered stream requires the greater of either 30’ from centerline or 25’ from top of bank as undisturbed area. You may need to relocate the pond or obtain a variance. With future submittals, provide the location of the start of the 40-acre drain, with a topographic map showing the delineation, and show the stream buffers.”**

**Conditions of Approval:**

**Public Works Recommendation**

1. Any approval is subject to Public Works' approval of signal plans. Site plans to be consistent with the approved signal plans.

**Construction plan comments:**

Show detail sheets on the box culvert stamped by the designer.

Sheet C1.01: Remove stop bar on entering lane of Lady Nashville Road. Show stop sign locations. Dimension 200 feet of storage for exiting lanes from stop bar location. Show dashed white line transition instead of bay taper striping. Remove marked crosswalks.

**Previous Approvals** - The following is a list of traffic improvements that were required in the council bill that enacted this Planned Unit Development. They are to be completed or bonded prior to the issuance of first use and occupancy permit.

1. Modify the signal at Lebanon Road and Andrew Jackson Parkway to include a right- turn -overlap phase for the Northbound approach of Andrew Jackson Parkway.
2. Modify the signal at Lebanon Road and Tulip Grove Road to include a right turn -overlap phase for the Northbound approach of Big Horn/Tulip Grove Road.
3. Restripe northbound Tulip Grove Road approach at Lebanon Road to include a left turn lane, a thru lane, and a separate right turn lane. This right turn lane must include 200 ft of storage and transitions per AASHTO standards.
4. Project access road shall be constructed with two exit lanes and one entering lane. The left turn and right turn lanes must provide 200 ft of storage length with transitions per AASHTO standards.
5. Install a left turn lane on Lebanon Road at site access one with 100 ft of storage. Submit construction plans, designed per AASHTO standards, to Tennessee Department of Transportation and Metro Public Works Traffic Engineer for approval.
6. Provide adequate sight distance at project access road. Remove vegetation as necessary to provide adequate sight distance. Submit sight distance documentation for Metro Public Works review and approval.

**STORMWATER RECOMMENDATION**

Before a grading permit can be issued the following items must be addressed:

1. Provide time of concentration calculations for pre and post developed conditions for the detention pond.
2. Label the time of concentration for each inlet. If more than 5 minutes, show calculations.
3. Provide a drainage area map for the 2 downstream structures (what is currently draining to the structures, including offsite drainage) and invert elevations for both structures.
4. Determine the percentage of the site that flows to the downstream structures and the capacity of these structures.

5. Because the following pipes carry offsite runoff, they shall be located within a drainage easement: 5, 6, 7, 12, 13, 14, 15, 16, 17, 20, and 25. This also means that the detention ponds will have to be located within an easement. This can be accomplished with the final plat for the subdivision.
6. Provide spillway calculations for pond B.
7. Include calculations to size each ditch shown, with drainage areas shown.
8. In the detention calculations, label the undetained area to pond B.
9. Where is the 548 contour in front of structure no. 22?
10. Look at eliminating pipe no. 19 and extending the area drain between 18 and 19 30' south. This would eliminate an area drain and be approximately the same length of pipe.
11. Strictly looking at pre and post developed numbers, the ponds do not detain the 2-10 year storm events. The routed flow shall be less than the pre developed flow for the 2-10 year storm events.
12. The 2 year pre developed flow using the SCS method seems low – provide curve number determination and time of concentration calculations.

#### **CONDITIONS**

1. Comply with Public Works and Stormwater conditions of approval listed above.
2. 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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. The plans show point #1 located in a Metro buffered stream. A buffered stream requires the greater of either 30' from centerline or 25' from top of bank as undisturbed area. You may need to relocate the pond or obtain a variance. With future submittals, provide the location of the start of the 40-acre drain, with a topographic map showing the delineation, and show the stream buffers."

- 38. 2005P-009U-11**  
 Auto Masters PUD  
 Map 133-01, Parcel 102, 103  
 Subarea 11 (1999)  
 District 16 - Amanda McClendon

A request for final approval of a commercial Planned Unit Development located on the west side of Nolensville Pike, classified CS (1.12 acres), to permit an existing 1,547 square foot used vehicular sales facility and for additional vehicular sales area and parking, requested by Dale & Associates, applicant for and JMM, LLC, owner

**Staff Recommendation: Disapprove**



- 39. 2005P-021U-13**  
Townhomes at Southridge  
Map 163-00, Parcels 136, 137, 138  
Subarea 13 (2003)  
District 33 - Tommy Bradley

A request for preliminary approval for a Planned Unit Development district located at 5505, 5515 and 5525 Mt. View Road, west of Old Franklin Pike, classified AR2a and proposed for RM15, (7.55 acres), to permit 79 multi-family units, requested by Dale and Associates, Inc., for John Begley, Patsy Hedgepath, Mary Wilson, etal, and Lester Mercer, etux, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST -Preliminary PUD**

*(Revised and re-referred)* Request for preliminary approval for a Planned Unit Development district on 7.55 acres located at 5505, 5515 and 5525 Mt. View Road, west of Old Franklin Pike, classified AR2a and proposed for RM15, to permit 79 multi-family units.

**PLAN DETAILS**

**History** - This preliminary PUD plan was submitted with an accompanying zone change to RM15, and subarea plan amendment to change the land use policy to Residential Medium High density. The zone change, subarea plan amendment, and preliminary PUD plan were approved with conditions at the September 22, 2005, Planning Commission meeting, including that prior to council public hearing, PUD plans be revised as per the Councilmember and re-referred back to the Commission for consideration. This item represents that re-referral.

*Revisions as requested by Councilmember:*

1. Move dumpster locations back from the front part of the PUD near Mt. View Rd. This has been addressed on the revised plans.
2. Address landscaping around the central greenspaces between buildings. This would mean actually planting some more dense landscaping and submitting a landscaping plan showing these details. Landscaping has been addressed in the central greenspaces.
3. Reconfigure the westernmost common green area to terminate with a building rather than with parking spaces. This would involve removing the guest parking spaces at the ends of this common green area and placing them somewhere else within the PUD with less of a negative visible impact on that green area. This has been addressed in the revised plans.
4. Apply the following options for building materials in the PUD, as described in detail below. These options must be explicitly printed on the final PUD plans, and are a part of the conditions of the preliminary approval. These options must be explicitly printed on the PUD plans, and made a part of the conditions of this preliminary PUD.

**Building Materials options:**

**B. Walls**

1. MATERIALS
  - Building walls shall be finished in brick, stone, wood siding, shingles, fiber cement siding/shingles, stucco, or vinyl siding.
2. CONFIGURATIONS & TECHNIQUES
  - Building foundations less than 2' - 0" above grade shall not be finished but shall show their structural material. For example, a concrete block foundation, less than 2' - 0" above grade, shall not be clad in brick.
  - Building walls shall only change material along a horizontal line, i.e. brick may be combined with siding when the material change occurs horizontally (typically at a floor or sill line), with the heavier material below the lighter. (This does not apply to detailing around attachments, windows and doors.)
  - Three options for material configuration shall be allowed (See Image):
    1. The front façade is composed of Material 1. The side facades and rear facades are composed of Material 1 from top of foundation to a horizontal line at window sills or floors and Material 2 from the horizontal line to the eave.

2. The front and side facades are composed of Material 1 and the rear façade is composed of Material 2.
3. All facades are composed of Material 1.
  - Vinyl siding may not be used as Material 1.
  - Any deviations from the three façade options are not acceptable.
  - No single option may be used for more than 70% of the buildings within a single development.
  - Siding shall be horizontal, maximum of 8" exposure.
  - Shingles shall be horizontal, maximum of 8" exposure

**Site Design, Access, & Parking** - The submitted plan proposes 79 townhome units situated on new private drives, with one single ingress/egress drive that accesses Mount View Road. Fifty-two 3-bedroom units with garages and twenty-seven 2-bedroom units without garages are proposed. For the units without garages, there is 90 degree angle parking proposed off of the western private drive, and also at the northern end of where the private drive terminates with a large cul-de-sac. Eighteen units with garages front on Mt. View Road, and other units front on common open space.

**Open Spaces** - The applicant has worked with Planning staff to address the need for centralized open space areas on this property. The plans propose two long common open space areas in this PUD, around which units #19-64 face. In all, there are 3.28 acres proposed for open space, constituting 44 percent of the PUD.

**Cul-de-sac requirements** One private drive in the western part of the PUD extends north and terminates with a 100' diameter cul-de-sac. The Fire Marshal's Office does require a 100-foot diameter turnaround on any cul-de-sac greater than 150 feet in length. The Planning Department also requires a landscaped median in any such cul-de-sac.

**Sidewalks** - Sidewalks *have* been shown on both sides of the private drives that serve the townhomes on the western, center, and eastern sides of the proposed PUD. Planning staff supports these sidewalks as they fulfill the intent of the PUD to increase internal pedestrian circulation.

**Landscape buffers** - A class "B" landscape buffer is required along the northern boundary of the PUD, as the proposed RM15 zoning would abut R8 zoning. On the eastern and western perimeter of the proposed PUD that abuts AR2a zoning, a class "C" landscape buffer would be required with the proposed RM15 zoning. The applicant *has* indicated the intent on the plans to comply with the eastern bufferyard, but not the northern and western bufferyards. The final PUD plans must be revised to comply with the required landscape buffer on the east to west. All bufferyards must also be adequately labeled on the final PUD landscaping plans.

**Stormwater Recommendation** - Approved.

**PUBLIC WORKS RECOMMENDATION** - Public Works' comments:

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. For private streets, show pavement width and base thickness per ST-251, show curb and gutter per ST-200.
3. Construct three lane cross section with center turn lane on Mount View Road along property frontage.
4. Construct access drive with one entering lane, and two exit lanes with a minimum of 50 ft of storage.
5. Documentation of adequate sight distance at the access road / Mount View Road intersection.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in

specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. The final PUD plans must show the required B landscape buffer on the northern boundary of the PUD that abuts R8 zoning, and the required C landscape buffer on the western side of the PUD that abuts AR2a zoning.
7. The final PUD plans must show the required minimum 10' side setback on both the western and eastern PUD boundaries.
8. Prior to the submittal of the final PUD plans, the applicant must comply with all Traffic/Public Works' conditions as indicated above.
9. The building materials options as outlined above must be explicitly printed on the PUD plans (preliminary and final), and are conditions of this preliminary PUD approval.
10. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the PUD plan for filing and recording with the Davidson County Register of Deeds.

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

**Resolution No. RS2005-482**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-021U-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. For private streets, show pavement width and base thickness per ST-251, show curb and gutter per ST-200.
3. Construct three lane cross section with center turn lane on Mount View Road along property frontage.
4. Construct access drive with one entering lane, and two exit lanes with a minimum of 50 ft of storage.
5. Documentation of adequate sight distance at the access road / Mount View Road intersection.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
7. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
8. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.

10. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
11. The final PUD plans must show the required B landscape buffer on the northern boundary of the PUD that abuts R8 zoning, and the required C landscape buffer on the western side of the PUD that abuts AR2a zoning.
12. The final PUD plans must show the required minimum 10' side setback on both the western and eastern PUD boundaries.
13. The building materials options as outlined above must be explicitly printed on the PUD plans (preliminary and final), and are conditions of this preliminary PUD approval.
14. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the PUD plan for filing and recording with the Davidson County Register of Deeds."

- 40. 2005P-035U-10**  
 J. Alexander's  
 Map104-03, Parcel 066  
 Subarea 10 (1994)  
 District 18 - Ginger Hausser

A request for preliminary approval for a Planned Unit Development located at 2609 # 101 West End Avenue, to permit an existing restaurant an exemption from the minimum distance requirement included in the beer provisions of the Metro Code, (1.56 acres), requested by J. Alexander's Restaurant, Inc., applicant for Natchez West, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary PUD**

Request for preliminary approval for a Planned Unit Development on 1.56 acres located at 2609 # 101 West End Avenue to permit an existing restaurant an exemption from the minimum distance requirement included in the beer provisions of the Metro Code.

**Reason for Request** - Per Metro Ordinance BL2003-1353, restaurants/bars that have obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempt from the minimum distance requirements for the issuance of beer permits if a PUD is established on the subject property.

**EXISTING ZONING**

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

**PUBLIC WORKS**

1. Show and dimension right of way along West End RECOMMENDATION Avenue. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
2. Show and dimension right of way along Natchez Trace. Label and dedicate 5' of right of way (30 feet from centerline), consistent with the approved major street / collector plan.

**PLAN DETAILS**

The J.Alexander's restaurant is currently in operation on the site. To meet the Urban Zoning Overlay requirements, the building is located behind the sidewalk on West End Avenue. This setback makes the building too close to Centennial Park to comply with the minimum distance requirements for the issuance of beer permits without a PUD overlay.

Since the site is already developed, and does not have room to spare to dedicate land for right-of-way, staff recommends that if the site redevelops in the future, the issue of right-of-way dedication would be revisited at that time. The requested PUD has been submitted only to allow the property to meet the Council-adopted requirements for obtaining an on-premises beer permit. No additional development is proposed that would support a requirement for dedication or reservation of right-of-way as requested by Public Works.

**CONDITIONS**

1. If the site redevelops in the future, appropriate right-of-way dedications will be required on West End Avenue and Natchez Trace.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

**Resolution No. RS2005-483**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-035U-10 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. If the site redevelops in the future, appropriate right-of-way dedications will be required on West End Avenue and Natchez Trace.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.”

- 
- 41. 2001UD-001G-12**  
 Lenox Village, Phase 8  
 Map 172, Parcel 89  
 Map 173, Parcel 72, 220, 224  
 Subarea 12 (2004)  
 District 31 - Parker Toler

A request for final approval for a phase of the Urban Design Overlay district located along the east side of Nolensville Pike, classified RM9, (49.57 acres) to permit 193 townhomes, 12 single-family rear access homes, and 43 single-family street access homes, requested by Anderson Delk Epps and Associates, for Lenox Village I, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** -Request for final UDO plan for Phase 8 to permit development of 193 townhouses, 12 single-family rear access homes, and 43 single-family street access homes, on a total of 49.57 acres.

**SITE DESIGN** - This phase is located in the Addition #2 area of the UDO, and includes the easternmost portion of the site. This phase is accessed by internal roads and Barnes Cove Drive from the neighboring Barnes Cove Subdivision.

**PUBLIC WORKS RECOMMENDATION**

Additional traffic analysis was conducted considering a commercial land use reduction with an increase of residential. Public Works concurred with the analysis, based on the reduction in trips, which determined that previously required project impact mitigation at the Barnes Road/ Nolensville Pike intersection is not required.

**Along Lenox Village property frontage on Nolensville Road**

1. Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
2. Reserve 1/2 of the right-of-way for Nolensville Road U6 classification. (1/2 of 132 ft).

**Lord's Chapel Way, northernmost access point (access #1)**

The northernmost access point (access 1) to Lenox Village has already been constructed.

1. The pavement shall be striped to provide west bound left turn lane and west bound right turn lane.
2. No on-street parking shall be allowed for 300 feet from intersection on the north side of access 1 in order to allow for adequate storage.
3. Install 12-foot wide southbound (SB) left turn lane on Nolensville Road with 75 feet of storage length.

**Bradford Hills Drive/ Lenox Village Drive and Nolensville Road intersection (access #2)**

The Bradford Hills / Lenox Village Drive and Nolensville Road intersection is currently signalized.

1. Re-stripe WB Lenox Village Dr for left/thru lane and a WB right lane.
2. Install NB right turn lane.
3. Install 150 ft SB left turn lane in 2-way left turn lane.
4. Provide no parking on north side of access road for 200 ft from intersection.

**Project access #3, private drive for Commercial**

1. Install separate 11 foot wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #3.
2. Install 12 ft wide southbound left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane.
3. Install northbound right turn lane.

**Project access #4**

1. Install separate 11 foot wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #4 road.
2. Install 12 ft wide southbound left turn on Nolensville Road with 75 feet of storage length in 2-way left turn lane.
3. Install northbound right turn lane.
4. No on street parking shall be provided for 75 feet from intersection.
5. Provide adequate sight distance.

**Project access #5**

1. Install separate 11 ft wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #5 road.
2. Install 12 foot wide southbound left turn on Nolensville Road with 75 feet of storage length in 2-way left turn lane.
3. Install northbound right turn lane.
4. Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities.
5. Provide adequate sight distance.

Signal at project access #5, Bienville Drive, to be bonded with recordation of final plat.

At project access #5, Bienville Drive, traffic counts and signal warrant analysis shall be conducted at 80% completion of project. Upon approval by the Traffic & Parking Commission, the Developer shall submit signal plans to traffic engineer and install signal.

**STORMWATER RECOMMENDATION** -Submit final plat showing the dedication of easement for easements around detention ponds or provide a separate instrument.

**CONDITIONS**

1. All Public Works conditions of approval listed above must be met.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. 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.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2005-484**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-001G-12 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

**PUBLIC WORKS RECOMMENDATION** - Additional traffic analysis was conducted considering a commercial land use reduction with an increase of residential. Public Works concurred with the analysis, based on the reduction in trips, which determined that previously required project impact mitigation at the Barnes Road/ Nolensville Pike intersection is not required.

**Along Lenox Village property frontage on Nolensville Road**

1. Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
2. Reserve 1/2 of the right-of-way for Nolensville Road U6 classification. (1/2 of 132 ft).

**Lord's Chapel Way, northernmost access point (access #1)**

The northernmost access point (access 1) to Lenox Village has already been constructed.

1. The pavement shall be striped to provide west bound left turn lane and west bound right turn lane.
2. No on-street parking shall be allowed for 300 feet from intersection on the north side of access 1 in order to allow for adequate storage.
3. Install 12-foot wide southbound (SB) left turn lane on Nolensville Road with 75 feet of storage length.

**Bradford Hills Drive/ Lenox Village Drive and Nolensville Road intersection (access #2)**

The Bradford Hills / Lenox Village Drive and Nolensville Road intersection is currently signalized.

1. Re-stripe WB Lenox Village Dr for left/thru lane and a WB right lane.
2. Install NB right turn lane.
3. Install 150 ft SB left turn lane in 2-way left turn lane.
4. Provide no parking on north side of access road for 200 ft from intersection.

**Project access #3, private drive for Commercial**

1. Install separate 11 foot wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #3.
2. Install 12 ft wide southbound left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane.
3. Install northbound right turn lane.

**Project access #4**

1. Install separate 11 foot wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #4 road.
2. Install 12 ft wide southbound left turn on Nolensville Road with 75 feet of storage length in 2-way left turn lane.
3. Install northbound right turn lane.
4. No on street parking shall be provided for 75 feet from intersection.
5. Provide adequate sight distance.

**Project access #5**

1. Install separate 11 ft wide westbound left turn and right turn lanes and 11 foot wide entering lane for access #5 road.
2. Install 12 foot wide southbound left turn on Nolensville Road with 75 feet of storage length in 2-way left turn lane.

3. Install northbound right turn lane.
4. Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities.
5. Provide adequate sight distance.

Signal at project access #5, Bienville Drive, to be bonded with recordation of final plat.

At project access #5, Bienville Drive, traffic counts and signal warrant analysis shall be conducted at 80% completion of project. Upon approval by the Traffic & Parking Commission, the Developer shall submit signal plans to traffic engineer and install signal.

**STORMWATER RECOMMENDATION** -Submit final plat showing the dedication of easement for easements around detention ponds or provide a separate instrument.

#### **CONDITIONS**

1. All Public Works conditions of approval listed above must be met.
2. 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.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. 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.
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."

## **XIV. OTHER BUSINESS**

### **42. Cato Road Annexation Plan of Services**

**APPLICANT REQUEST** -Extend the boundaries of the Urban Services District within the jurisdiction of the Metropolitan Government of Nashville and Davidson County to include lots and lands located on Cato Road.

#### **STAFF ANALYSIS**

This resolution was introduced by Council Member Brenda Gilmore. The resolution presents a plan of services, as required by State Law and the Charter, necessary for expanding the Urban Services District boundary in her district. The resolution submits that plan of services to the Planning Commission for review and requests a written response within 90 days. The resolution was adopted at the regularly scheduled Council meeting of October 4, 2005. The plan of services was prepared by Council staff.

The area to be included is generally the remaining parcels fronting along the last mile of Cato Road in the northwest area of Nashville near the Scottsboro community. The developed land is all residential single family housing.



Adding this area to the USD would create a peninsula of USD area extending into the GSD. However, it would annex into the USD all properties fronting Cato Rd. The parcels to be added are developed on very large lots and the area has quite a rural feel to it.

As proposed the annexation would include a portion of a developing subdivision (Creekside Trails) North of Cato Road, West of Eaton's Creek Road and South/East of Briley Parkway. However, it would exclude an earlier developed phase of the same subdivision. This entire subdivision is developed at an urban density and pattern. This would create a situation where a portion of the subdivision were provided USD services, including trash pickup, while immediately adjacent parcels of the same subdivision were not provided the same service.

Strong consideration should be given to adding the entire Creekside Trails subdivision area to the resolution. If this is not done, the resolution should be amended to delete the developing portion of Creekside Trails. Another approach would be to annex the half dozen or so parcels West of Cato Road and East of Briley Parkway and all of the Creekside Trails subdivision West of Eaton's Creek Road and South/East of Briley Parkway. This approach would add 'urbanized' area to the USD.

The resolution states that Police and Fire protection services, water, sanitary sewers, storm sewers, and street cleaning are being provided at the same level of service in the area proposed to be added as in the USD already. That is, in this area there is no difference in the GSD and USD provision of these services.

Staff at the Metro Water and Sewerage Services Department indicates that the remaining portion of Cato Road does not have sanitary sewer service or adequate water service for fire protection. They estimate that the water would cost \$300,000 and the sewer would cost \$400,000. The department does not have either project specified in the Capital Improvements Budget.

Public Works has provided information on the capital costs for refuse collection and street lighting. The operating costs for the Recycling collection would be about \$2,200. Trash collection operating cost would be about \$1,700 annually. The capital costs would likely total about \$2,600 total for trash and recycling carts.

We still do not have information from NES on the street lighting costs.

The Metropolitan Charter requires that any capital expenses necessary to provide USD level of services should be included in the Capital Improvements Budget. The plan of services submitted identifies no capital costs for new street lighting requirements or refuse collection, nor the water and sewer services identified by Metro Water. The plan of services should include a line item under operating costs for debt service on the capital costs. The plan states that Metro can provide the additional street lighting and refuse collection at an annual operating cost of \$4,464.

The plan does identify the operating costs of providing additional services. It does not, however present any implementation schedule. Once annexed, within one year after the collection of USD taxes, Metro is obligated to have a project plan in place for the provision of services. This means a plan for rendering the services and some explicit steps towards implementing it need to be in place within one year. Specifically, having funding approved and in place would be a necessary step towards implementing any plan of services. This plan does not provide any schedule for when and how the services are to be provided.

Based on a review of the estimates which seem preliminary, staff recommends that before this proposal proceeds to the next level, attention should be paid to working with the Office of Management and Budget to prepare the total capital costs and related debt service necessary for the annexation and amending or adding a project for the complete capital needs in the adopted CIB and Capital Budget. Also, the area between Briley Parkway and Eaton's Creek Road North of Cato should be considered if this annexation is pursued.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-485**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Cato Road Annexation Plan of Services is **APPROVED. (8-0)**"

- 
43. Contract between Regional Transportation Authority (RTA) and the Nashville Davidson County Metropolitan Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Commuter Rail Planning"

Approved, (8-0) *Consent Agenda*

44. Employee Contract Renewal for Jennifer Carlat

Approved, (8-0) *Consent Agenda*

45. Amended employee contract for Brenda Bernards

Approved, (8-0) *Consent Agenda*

46. Correction to the minutes of September 22, 2005 and October 27, 2005.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-486**

“BE IT RESOLVED by The Metropolitan Planning Commission that Correction to the Minutes of September 22, 2005 was **APPROVED. (8-0)**”

**Resolution No. RS2005-487**

“BE IT RESOLVED by The Metropolitan Planning Commission that Correction to the Minutes of October 27, 2005 was **APPROVED. (8-0)**”

47. “Affirm New Department Procedures for signs and notices”

Mr. McLean requested clarification on the request to change the department procedures.

Mr. Bernhardt explained the suggested change to Mr. McLean.

Mr. McLean spoke of the recent increased fees and the added procedural change and the affect it would have on the applicants. He suggested the procedural change be brought back before the Commission for review on June 30, 2006.

Mr. McLean moved, and Mr. Ponder seconded the motion, to approve the procedures and the rule change with the provision that in July, staff will revisit the necessity of this rule change in light of the Council adopted budget. **(6-0)**

**Resolution No. RS2005-488**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Affirmation of New Department Procedures for Signs and Notices” was **APPROVED. (6-0)**”

48. “Approve amendment to Planning Commission Rules”

Mr. McLean moved, and Mr. Ponder seconded the motion, to approve the procedures and the rule change with the provision that in July, staff will revisit the necessity of this rule change in light of the Council adopted budget. **(6-0)**

**Resolution No. RS2005-489**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment to the Planning Commission Rules was **APPROVED. (6-0)**”

49. Executive Director Reports

50. Legislative Update

**XV. ADJOURNMENT**

The meeting was adjourned at 8:20 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

