



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

January 26, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

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

Staff Present:

Ann Hammond, Assistant Director
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
Brenda Bernards, Special Proj. Planner

Commission Members Absent:

Doug Small, Vice Chairman

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Mr. Kleinfelter announced the agenda contained a correction as well as an addendum. The correction is contained in Item #1, 2005SP-179-03. The number of unit townhomes should read 248, instead of 205. The addendum is Item #25 -- A resolution accepting and appropriating \$32,474.95 in grant funds from multiple sources for use by the Metropolitan Planning Commission pursuant to Contract No. 040109.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the agenda as corrected and present. (7-0)

III. APPROVAL OF JANUARY 12, 2006 MINUTES

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve the January 12, 2006 minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gilmore spoke regarding Item #16, 2006S-068U-03, Fairview Subdivision. She requested deferral to allow for additional time to conduct informational meetings for the community.

Mr. Lawson asked Mr. Scalf, who was in the audience, if he would agree to a two meeting deferral on Item #16, 2006S-068U-03. Mr. Scalf agreed to this request.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|---------------|---|---|
| 2. | 2006S-046U-03 | Drake's Run, First Revision, Sec 1 -Request for final plat approval to remove sidewalks on the west side of Shady Dale Road | -- deferred indefinitely at the request of the applicant |
| 3. | 2006S-047U-03 | Drake's Run, First Revision, Section 2 - Request for final plat approval to remove sidewalks on the south side of Shady Dale Drive | -- deferred indefinitely at the request of the applicant |
| 4. | 61-84-G-06 | Bellevue Valley Plaza - Request to revise the approved preliminary site plan and for final approval of a Planned Unit Development for property located south of Harding (unnumbered), to permit the development of an additional 4,000 square feet to an existing 63,005 square foot building | -- deferred to February 23, 2006, at the request of the applicant |
| 9. | 2006Z-016U-08 | Request to change from IR to MUN zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street | -- deferred indefinitely at the request of the applicant |
| 10. | 2006P-002U-08 | The Courts at Germantown - Request for preliminary approval for a Planned Unit Development district located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, to permit 27 multi-family units, and 1,991 square feet of retail uses | -- deferred indefinitely at the request of the applicant |
| 21 | | Adoption of the expanded Subdivision Regulations | -- deferred to March 9, 2006 at the request of the applicant. |

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. **(7-0)**

**VI. PUBLIC HEARING: CONSENT AGENDA
PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

- | | | | |
|----|---------------|---|-------------------------|
| 1. | 2005Z-179U-03 | Request to change from R8 to SP zoning, property located at 1106, 1108, 1110, 1112, 1116, 1120, and 1204 West Trinity Lane to permit 205 townhouses with a clubhouse | - Approve w/ conditions |
| 5. | 68-86-U-13 | Hickory Woods West - Phase One - Request to revise a portion of the approved preliminary plan and for final approval of a Commercial Planned Unit Development located on the east side Murfreesboro Pike, to allow a convenience store on a portion of the PUD that was approved for general retail | - Approve w/ conditions |

ZONING MAP AMENDMENTS

- | | | | |
|----|---------------|---|-----------|
| 6. | 2005Z-106T | Affordable Housing Density Bonus Code Amendment - Adopt a minor revision to Zoning Ordinance Section 17.12.070 B 1. to allow for a density bonus if the increased residential density is used to provide for a certain number of affordable housing units | - Approve |
| 7. | 2006Z-004U-03 | Request to change from CN to RS5 district property located at 1801 Baptist World Center Drive | - Approve |

8. 2006Z-015T Adopt Zoning Code sections 17.12.100 and 17.12.110 to allow for reduced minimum lot sizes in zoning districts that permit multi-family dwelling units to allow fee-simple homeownership opportunities. - Approve

PRELIMINARY SUBDIVISION PLATS

12. 2006S-029G-03 Capps Road Subdivision -Request for preliminary plat approval to create 8 lots located at the east end of Capps Drive, approximately 700 feet south of Cornish Drive (4.46 acres), zoned RS7.5, requested by Cale and Associates, applicant for Shane Teeters, owner. - Approve w/ conditions
14. 2006S-072U-03 Enchanted Hills, Addition 1- Request for preliminary plat approval to create 6 lots located on a portion of property on the east end of Lila Lane, approximately 200 feet north of Golden Hill Drive (5.91 acres), zoned RS15, requested by Lisa Beard Baldwin, owner, Barge Cauthen & Associates, engineer. - Approve w/ conditions

PLANNED UNIT DEVELOPMENTS (revisions)

17. 189-73-G-14 Central Centre - Request for final approval for a Planned Unit Development located on the south side of Central Pike, to permit the development of 31,920 square feet of office and retail space -Approve w/ conditions
18. 269-84-G-14 Tulip Grove Center - Request to revise a portion of the approved preliminary site plan and final approval of a Planned Unit Development located at 4751 Lebanon Pike, to permit the development of a 1,720 square foot addition to an existing 13,140 square foot grocery store - Approve w/ conditions
19. 2005P-016G-13 Marhaden Pointe (Meroney Property) - Request for final approval for a Planned Unit Development located at 3681 Hamilton Church Road, east of Hobson Pike, zoned RS10, (17.37 acres), to develop 46 single-family lots, requested by Wamble and Associates for Kenneth Meroney, owner. - Approve w/conditions
20. 2005P-016G-13 Marhaden Pointe (Meroney Property) - Request for final approval for a Planned Unit Development located at 3681 Hamilton Church Road, east of Hobson Pike, zoned RS10, (17.37 acres), to develop 46 single-family lots, requested by Wamble and Associates for Kenneth Meroney, owner. - Approve w/ conditions

OTHER BUSINESS

22. Request to rehear PUD # 95-71-G, MetroCenter, Lot 1 (Crest Hummer Dealership) and set hearing for February 9, 2006, Commission Meeting. - Approve
23. Contract for the temporary Professional Planning Services of Melissa Stevens. - Approve
24. Grant Agreement between TDOT and the MPC on behalf of the MPO for Short-range transit planning coordination - Approve
25. **ADDENDUM** - Approve
A resolution accepting and appropriating \$32,474.95 in grant funds from multiple sources for use by the Metropolitan Planning Commission pursuant to Contract No. 040109

Mr. Clifton arrived at 4:10 p.m.

Ms. Nielson arrived at 4:12 p.m.

McLean recused himself from Item #13, 2006S-069U-03, Ewing Drive Property and Item #19, 2004P-015U-13, Matlock.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the consent agenda as presented. (9-0)

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

- 1. 2005SP-179U-03**
Map 070-06, Parcels 038, 040, 041, 042, 044, 045, 046, 047, 048
Subarea 3 (2003)
District 2 - Jamie D. Isabel

A request to change from R8 to SP zoning, property located at 1106, 1108, 1110, 1112, 1116, 1120, and 1204 West Trinity Lane west of Youngs Lane (27.55 acres), to permit 205 townhouses with a clubhouse, requested by Lukens Engineering Consultants, applicant for Wanda Templeton, Silvia Carney, and Loyd R. Spradlin, owners.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Rezone approximately 27.5 acres from residential single-family and duplex (R8) to preliminary Specific Plan (SP) district, to permit development of a 248 unit townhome complex, and clubhouse.

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 Zoning

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

BORDAUX/WHITES CREEK COMMUNITY PLAN

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.

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

Policy Conflict - As proposed the site plan is consistent with the Neighborhood General and Natural Conservation policies.

Preliminary Plan Details -The site plan consists of 236 stacked flats and stacked and unstacked townhomes separated into four separate pods fronting various community green areas. While most units will front along community greens, units along West Trinity Lane will front West Trinity Lane, units along the new public street will front said street, and units along the Cumberland River will front the river.

Density - While the site plan is only showing 236 units, the request is for a total of 248 total units. Note four on the proposed plan also indicates that the proposed unit mix may be adjusted to accommodate market conditions. Any change in the final development plan from this preliminary site plan, including increasing the density from 236 may require approval by the Planning Commission of a new preliminary SP plan if the change is deemed significant by planning staff. The total number of units requested (248) has been used to determine school student generation.

Uses - The plan calls for townhomes, live/work units and single and two family lots; however, the plan does not specify where, if any, individual live/work units are proposed, nor does it identify any single or two family lots. A pool and clubhouse with exercise and recreational facilities, sales office and rental units is identified on the site plan. The plan also calls for tennis courts but are not shown on the site plan.

Any major changes in the final plan from this preliminary, including the addition of single and two family lots may require approval by the Planning Commission of a new preliminary SP plan.

Access - As proposed the development is accessed by one public road from West Trinity Lane, and one private drive off of West Trinity Lane. As proposed, the one public road turns into a private drive. This street should be public and identified as public on the plan. Units are all accessed by private drives from the new public street and off of West Trinity Lane. A twenty-four foot wide private drive access easements is shown, which would allow for the northern most private drives to connect if and when adjacent parcels are incorporated into this development.

Future Connections - Future connections to the east and west are shown. Signs will be posted at the end of both stub streets indicating that the roads could be extended. There is a note on the site plan indicating that a gate will be located at the western terminus providing a connection to the adjacent property. This note must be removed from the site plan, as private gates are not allowed within public right of way.

Pedestrian Connectivity - Sidewalks are shown along both sides of the new public street, and throughout the development. Sidewalks must provide for efficient pedestrian movement throughout the proposed development. Prior to final development plan approval the sidewalk layout must be approved by planning staff.

Greenway - The subarea plan calls for a greenway along the Cumberland River and a greenway easement is shown on the plan. Applicants should work with Greenways regarding this proposal prior to approval of the final development plan.

Building Elevations - No building elevations have been provided, and will be required at final development plan.

Landscaping Plan - No landscaping plan has been submitted. A landscaping plan must be submitted and approved at the final development stage. The plan must include all existing trees to be preserved, new landscaping and buffer yards. Proposed fence materials must also be included.

Phasing As proposed, the development will be constructed in three separate phases.

Recommendation -Planning staff recommends that the request be approved with conditions.

FIRE MARSHAL -The Fire Marshals' office must approve the final development plan.

RECENT REZONINGS - None.

STORMWATER RECOMMENDATION

1. Add 78-840 note.
2. Undisturbed buffer line is off 10 feet and should be corrected.
3. Add buffer note.
4. Add preliminary note.

PUBLIC WORKS RECOMMENDATION (Comments based on previous plan)

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions. Off-site mitigation may be required.
2. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.

3. Fire Department must approve private access as turnaround.
4. Show sidewalk along W. Trinity Lane.
5. Required parking spaces for all uses shall be designed to permit entry and exit without moving any other vehicle.
6. Parking appears inadequate. The final development plan must meet parking standards.
7. Show and dimension right of way along West Trinity Lane. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
8. Show continuous entry/exit radius from junction of inner entry/exit curve and circulatory roadway, if applicable.
9. All roadway geometry shall support navigation by SU30 design vehicles.
10. Remove fence across public ROW.
11. Construct public roadway to eastern property line.
12. As per note #9, please show additional planned parcels.
13. Developer shall construct 1 access drive with 1 entering lane and 2 exiting lanes with a minimum of 100 ft storage and a minimum distance of 100 feet to 1st interior intersection.
14. Developer shall provide adequate sight distance at intersection. At development, documentation of sight distance shall be submitted.
15. Site plan for this property development shall include cross access easement to adjacent parcels along West Trinity. If the joint access drive is private, a joint access easement along the drive shall be provided to West Trinity intersection for future widening. If this access road is public, additional ROW shall be dedicated for an additional entering lane if it is determined to be necessary when the adjacent parcels are developed.
16. Developer shall dedicate additional ROW along West Trinity frontage to allow for a future right turn lane on West Trinity at development of adjacent parcels.
17. The site plan shall identify specific roadway design standards consistent with Metro PW specifications.
18. If the proposed roundabout is included in site plan, the design shall include a single travel lane in accordance with AASHTO standards. Construction plans for development shall identify all required pavement markings and signing in accordance with MUTCD standards.

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 Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------------|-------|------------------|-----------------------|-----------------------|--------------|--------------|
| 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* 39 Elementary 29 Middle 22 High

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

CONDITIONS

1. The dimensions and type, including building material for the proposed fence along West Trinity Lane must be approved by planning staff prior approval of the final development plan. No fence may exceed 4 ft. in height.
2. The central main street must be public, and identified on the preliminary site plan.
3. Remove note from preliminary site plan indicating that a gate will be located at the western terminus of the stub street. A private gate can not be located on public right of way.
4. Identify and label the 24' private access easements on the preliminary site plan.
5. Building elevations must be approved by planning staff prior to approval of the final development plan.
6. Landscaping plans must be approved by planning staff prior to approval of the final development plan.
7. Sidewalk layout must be approved by planning staff prior to approval of the final development plan.
8. The final development plan must specify uses for all structures.
9. A recommendation from Greenways regarding future connections with this development must be received prior to approval of the final development plan.
10. Any changes on the final development plan from this preliminary site plan may require a new preliminary plan if the changes are deemed significant by planning staff.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district, which must be shown on the plan.
12. Add SP number: 2005Z-179U-03.
13. All Public Works' conditions listed above must be addressed, and approved by Public Works prior to approval of the final development plan.
14. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of any final plat.
15. The private entrance onto West Trinity Lane must be approved by Public Works prior to final development plan.
16. All Stormwater conditions and comments as indicated above must be adequately addressed prior to, or with the approval of the final development plan.

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

Resolution No. RS2006-031

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-179U-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The dimensions and type, including building material for the proposed fence along West Trinity Lane must be approved by planning staff prior approval of the final development plan. No fence may exceed 4 ft. in height.
2. The central main street must be public, and identified on the preliminary site plan.

3. Remove note from preliminary site plan indicating that a gate will be located at the western terminus of the stub street. A private gate can not be located on public right of way.
4. Identify and label the 24' private access easements on the preliminary site plan.
5. Building elevations must be approved by planning staff prior to approval of the final development plan.
6. Landscaping plans must be approved by planning staff prior to approval of the final development plan.
7. Sidewalk layout must be approved by planning staff prior to approval of the final development plan.
8. The final development plan must specify uses for all structures.
9. A recommendation from Greenways regarding future connections with this development must be received prior to approval of the final development plan.
10. Any changes on the final development plan from this preliminary site plan may require a new preliminary plan if the changes are deemed significant by planning staff.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district, which must be shown on the plan.
12. Add SP number: 2005Z-179U-03.
13. All Public Works' conditions listed above must be addressed, and approved by Public Works prior to approval of the final development plan.
14. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of any final plat.
15. The private entrance onto West Trinity Lane must be approved by Public Works prior to final development plan.
16. All Stormwater conditions and comments as indicated above must be adequately addressed prior to, or with the approval of the final development plan.

The proposed SP site plan and is consistent with the Bordaux/Whites Creek Community Plans Neighborhood General, and Natural Conservation policies calling for a mixture of housing types carefully arranged, not randomly located.”

FINAL PLATS

2. **2006S-046U-03**
 Drake's Run, First Revision, Sec 1
 Map 058-11-0-A, Parcels 001, 002, 003, 004, 005, 006,
 Map 058-11-0-A, Parcels 007, 008, 021, 022, 023, 024, 025, 026, 040, 041
 Subarea 3 (2003)
 District 1 - Brenda Gilmore

A request for final plat approval to remove sidewalks on the west side of Shady Dale Road and the north side of Hallmark Road (8.7 acres), zoned RS15, requested by Barge Waggoner Sumner and Cannon, applicant for various property owners.

Staff Recommendation - Disapprove

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-046U-03 indefinitely at the request of the applicant. (7-0)

3. **2006S-047U-03**
 Drake's Run, First Revision, Section 2
 05/18/06 11:44 AM, 012606minutes

Map 058-11-A, Parcels 009, 010, 011, 012, 013, 014, 017, 018, 019, 020, 021, 027
Map 058-11-A, Parcels 028, 029, 030, 031, 035, 036,037, 038, 039
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for final plat approval to remove sidewalks on the south side of Shady Dale Drive, north side of Hallmark Road, and west side of Golden Hall Road (8.88 acres), zoned RS15, requested by Barge, Waggoner, Sumner, and Cannon, applicant for various property owners.

Staff Recommendation - Disapprove

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-047U-03 indefinitely at the request of the applicant. (7-0)

PLANNED UNIT DEVELOPMENTS

4. 61-84-G-06

Bellevue Valley Plaza
Map 142, Parcel 268
Subarea 6 (2003)
District 35 - Charlie Tygard

A request to revise the approved preliminary site plan and for final approval of a Planned Unit Development for property located south of Harding (unnumbered), east of Old Hickory Boulevard, classified SCC (6.88 acres), to permit the development of an additional 4,000 square feet to an existing 63,005 square foot building, requested by Barge, Waggoner, Sumner and Cannon, applicant for Bellevue Properties L.P., owner.

Staff Recommendation - Approve with conditions

The Metropolitan Planning Commission DEFERRED Planned Unit Development 61-84-G-06 to February 23, 2006 at the request of the applicant. (7-0)

5. 68-86-U-13

Hickory Woods West - Phase One
Map 175, Parcel 079
Subarea 13 (2003)
District 32 - Sam Coleman

A request to revise a portion of the approved preliminary plan and for final approval of a Commercial Planned Unit Development located on the east side Murfreesboro Pike, and the north side of Laverge-Couchville Road, zoned AR2a district, (1.48 acres), to allow a convenience store on a portion of the PUD that was approved for general retail, requested by Wamble and Associates, applicant, for Harold and Hermena Holigan, owners.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Revision to preliminary & Final PUD

Request to revise a portion of the approved preliminary plan and for final approval phase one of a commercial Planned Unit Development district located on the east side of Murfreesboro Pike, and the north side of Laverge-Couchville Road, zoned CS district (1.48 acres), to allow a convenience store on a portion of the PUD that was approved for general retail

PLAN DETAILS

History - This preliminary PUD plan was approved by the Planning Commission in August of 1986, for 40,100 square feet of general retail uses, 29,000 square feet of office uses, and 3,250 square feet of drive-in food service uses.

This revision to the approved preliminary plan proposes a 4,100 square foot convenience store on the corner of Murfreesboro Road and Lavergne-Couchville Road, to replace a 3,100 square foot general retail building. The revision also introduces a new phasing plan, with this application being the first phase. The second phase comprises the remainder of the PUD. The use proposed with this revision is consistent with original preliminary plan as approved by the Metro Council, but it also shifts the ingress/egress driveway cuts along Lavergne-Couchville Pike.

Sidewalks - The plans show a sidewalk to be constructed on the east side of Murfreesboro Road and north side of Lavergne-Couchville Road at this location, which Planning staff highly recommends, based on this approved PUD's mixture of commercial and residential uses, and proximity to other residential areas.

Access - The revision also proposes minor changes in the vehicular access points along Lavergne-Couchville Pike. The applicant has worked with Public Works on lining up the southernmost access point with the approved Hickory Woods East PUD development on the south side of Lavergne-Couchville Pike. The northernmost access point will be either permanently or temporarily a private drive, with the option of converting this drive into a public roadway during a future phase of this Planned Unit Development. Given that this drive is internal to the PUD, the normal street setbacks of the Zoning Ordinance do not necessarily apply, as per Section 17.36.060G of the ordinance.

Stormwater Recommendation - Sufficient for technical review on December 14, 2005.

The following comments must be addressed by the applicant, which have been deemed by Stormwater to be minor:

1. Time of Concentration for existing condition is not reasonable. Use longer time.
2. Provide calculations and cross-section for ditches.
3. Use inlet control to check the capacity of the structures or check the hydraulic line for pipe system.
4. Pond easement and agreement document including recording fee.
5. Notice of Coverage from TDEC.
6. Check next two downstream structures.

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.

- A new Traffic Impact Study will be required upon the development of this existing PUD property if the below improvements are not provided for the convenience market (phase 1 development) or upon the next revision to the Hickory Woods PUD.

Comments:

1. If the developer:
 - Constructs a 3 lane cross section on Lavergne-Couchville Pike from Murfreesboro Road to the PUD property termination, with adequate transition,
 - Constructs a right turn lane on Murfreesboro Road to private driveway,
 - Modifies and upgrades the existing signal, then a driveway into the convenience market is allowed. Work with opposing property owner (Hickory Woods East PUD) to realign driveway along Lavergne-Couchville Pike.
2. One additional driveway shall be allowed along Murfreesboro Road aligned with opposing plant drive approximately at the center of PUD. Identify opposing driveway locations.
3. Submit signal plans and reconstruct signal upon approval.

FIRE MARSHAL RECOMMENDATION - Approved.

CONDITIONS

1. All Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, the applicant must work with the Public Works and Planning Departments to satisfy the Public Works comments as indicated above.
3. Prior to final plat approval, lot 1 must be labeled as parcel 210 and lot 2 labeled as parcel 211 (of map 175).
4. Prior to final plat approval or 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.
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 for filing and recordation with the Davidson County Register of Deeds.

8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission 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.

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

Resolution No. RS2006-032

“BE IT RESOLVED by The Metropolitan Planning Commission that 68-86-U-13 is **APPROVED WITH CONDITIONS.**
(9-0)

Conditions of Approval:

1. All Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, the applicant must work with the Public Works and Planning Departments to satisfy the Public Works comments as indicated above.
3. Prior to final plat approval, lot 1 must be labeled as parcel 210 and lot 2 labeled as parcel 211 (of map 175).
4. Prior to final plat approval or 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.
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 for filing and recordation with the Davidson County Register of Deeds.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission 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.”

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

6. **2005Z-106T**
Affordable Housing Density Bonus Code Amendment

Adopt a minor revision to Zoning Ordinance Section 17.12.070 B 1. to allow for a density bonus if the increased residential density is used to provide for a certain number of affordable housing units.

Staff Recommendation - Approve

ANALYSIS - This amendment makes one minor revision to Section 17.12.070.B.1. This section allows for a density bonus if the increased residential density is used to provide for a certain number of affordable housing units. It also stipulates that those units remain as affordable for a period of 20 years. This amendment will reduce that time period to 7 years. It also clears up some language in the enforcement section for using this bonus.

Section 17.12.070.B.1 of the Metro Zoning Code specifies that, under certain conditions, space designed and constructed for residential occupancy will not be counted in determining the floor area ratio for the project. Because the floor area ratio is used to place limits on building size relative to their lot size, this section effectively encourages residential development by allowing for larger buildings in the MUI zoning district generally, and in the ORI, CF, and CC districts specifically in the urban zoning overlay. The next section qualifies the incentive by requiring that a certain amount of the residential units provided to increase the density must be provided as affordable units. The qualifying section also requires that the affordable units are restricted to that use for twenty years. What is affordable and how this is to be enforced is described elsewhere in the code.

Existing Law for Time Period Units Must Remain Affordable

17.12.070 B. Residential Bonus in Mixed Use, ORI, CF and CC Districts.

1. For property located either (a) in the MUI District, or (b) within the urban zoning overlay district in any mixed-use, ORI, CF or CC district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.
2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section to construct ten or more residential units, the following number of residential units shall be restricted for use as affordable housing for a period of at least twenty years:
 - affordable housing units = 25% x (total residential units - 10)

This provision shall be enforced pursuant to the affordable housing provisions in Section 17.36.090(b) (3).

Proposed Text Change - The sections above were new sections added to the Code when it was rewritten and adopted in 1998. Since that time no one has taken advantage of the density bonus. There is general agreement that restricting the affordable units as such for twenty years is inconsistent with federal funding requirements and too long. Furthermore, Metro has recently implemented other residential incentive programs that have much shorter time periods. The payment in lieu of taxes program for example, provides a tax based incentive for only seven years. The purpose of the amendment then is to modify the code so that it is more consistent with other more recent housing incentive programs. The amendment also removes an inconsistency in the enforcement section 17.36.090 B3 by making the length of the ownership and lease of the affordable units to both also be seven years. It currently says the leased units were perpetually affordable and didn't specify any time on the ownership units.

Existing Law on Enforcement of Time Period- Section 17.36.090.B.3 Enforcement.

Any lot intended for the construction of a bonus dwelling shall be suitably noted on a recorded plat of subdivision. Prior to receipt of a zoning permit from the zoning administrator, the property owner shall record restrictive covenants with the register of deeds identifying those dwelling units to be sold or perpetually leased according to the definition of affordable housing. At any time thereafter, the property owner of leasable units shall provide suitable documentation verifying compliance with the leasing rate requirements of this article upon receipt of written notice by the zoning administrator. For single-family, two-family or multifamily units constructed for sale, the zoning administrator shall withhold issuance of a certificate of compliance pending receipt of a property transfer deed verifying compliance with the maximum sales price standards of this article. (Ord. 96-555 § 9.2(G), 1997)

Proposed Text Change - The amendment would amend Section 17.36.090.B.3 by deleting the second sentence, and inserting in its place the following: "Prior to receipt of a zoning permit from the zoning administrator, the property owner shall record restrictive covenants with the register of deeds identifying those affordable residential units to be sold or leased for a period of at least seven years."

STAFF RECOMMENDATION - Staff has worked closely with the Metropolitan Housing and Development Agency as well as the Mayor's office while preparing this amendment. While the amendment on its face appears very minor, we believe that reducing the time requirement will encourage developers to make effective use of this density bonus incentive. When used, this incentive not only encourages residential development in areas where Metro is trying to attract more development, it also helps create new units that are affordable. It is also noteworthy that this incentive requires no additional action by Metro especially financial. In an example of project with about 300 units that needs 150,000 square foot bonus, roughly 10%, or 30 of the newly created units would be affordable.

Staff recommends for approval.

Resolution No. RS2006-033

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-106T is **APPROVED. (9-0)**”

- 7. **2006Z-004U-03**
 Map 071-05, Parcel 104
 Subarea 3 (2003)
 District 2 - Jamie D. Isabel

A request to change from CN to RS5 district property located at 1801 Baptist World Center Drive, northeast corner of Baptist World Center Drive and Meade Avenue (.17 acres), requested by Lamont Jordan, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 0.17 acres from commercial neighborhood (CN) to residential single-family (RS5) zoning, on property located at 1801 Baptist World Center Drive, northeast corner of Baptist World Center Drive and Meade Avenue.

Existing Zoning

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.

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.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

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

Policy Conflict - Single family residential uses that are permitted within the proposed RS5 zoning district are consistent with the Residential Medium policy, which applies to the majority of the properties on the northeast side of Baptist World Center Drive. The density of the proposed RS5 zoning (7.42 homes/acre) is in line with that of RM policy (4-9 homes/acre). Along with the rest of the block between Roger Avenue on the north and Meade Avenue on the south, this property is zoned CN and currently undeveloped. This rezoning will allow this property to develop residentially, as per the intent of the community plan.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No exception taken.

Typical Uses in Existing Zoning District: CN

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------|-------|------|-------------------|-----------------------|--------------|--------------|
| Specialty Retail Center (814) | 0.17 | 0.10 | 741 | 33 | Na | 2 |

Typical Uses in Proposed Zoning District: RS5

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family Detached(210) | 0.17 | 7.42 | 1 | 10 | 1 | 2 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | 0.17 | | | -23 | Na | 0 |

Maximum Uses in Existing Zoning District: CN

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|-------------------|-----------------------|--------------|--------------|
| General Office(710) | 0.17 | 0.25 | 1,851 | 62 | 8 | 3 |

Maximum Uses in Proposed Zoning District: RS5

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached(210) | 0.17 | 7.42 | 1 | 10 | 1 | 2 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | 0.17 | | | -52 | -7 | -1 |

METRO SCHOOL BOARD REPORT

Projected student generation 1_Elementary 1_Middle 1_High

Schools Over/Under Capacity - Students would attend Alex Green Elementary School, Ewing Park Middle School, or Whites Creek High School. All three schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated August 2, 2005.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-034

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-004U-03 is **APPROVED. (9-0)**

The proposed RS5 zoning district is consistent with the Bordaux/Whites Creek Community Plans’ Residential Medium policy that is intended for residential development with a density range between 4 and 9 units per acre.”

8. 2006Z-015T

Adopt Zoning Code sections 17.12.100 and 17.12.110 to allow for reduced minimum lot sizes in zoning districts that permit multi-family dwelling units to allow fee-simple homeownership opportunities.

Staff Recommendation - Approve

REQUEST - Adopt Zoning Code sections 17.12.100 and 17.12.110 to allow for reduced minimum lot sizes in zoning districts that permit multi-family dwelling units to allow fee-simple homeownership opportunities.

Amend 17.04.060.B

Definitions of General Terms - Add “single-family cottage development” to the list of general terms to define this type of development of four to ten single-family units oriented to a common open space.

Adopt Note 1 to Table 17.12.020.A - Add a note to the district bulk table for single-family and two-family dwellings to provide for minimum three-foot rear and side setbacks for single-family cottage units.

Adopt Note 5 to Table 17.12.030.B - Add a note to the district bulk table for multi-family and non-residential uses to provide for a minimum three-foot street setback from the right-of-way line for attached housing developed under proposed new Section 17.12.110.

Adopt Table 17.12.020.B.1 - Add a new table to the district bulk tables providing alternative lot size and rear and side setback requirements for attached housing.

Adopt 17.12.100 - Adopt new section 17.12.100 Single-Family Cottage Developments to add text providing the bulk standards for single-family cottage developments in zoning districts that permit multi-family housing. Proposed bulk standards include waived minimum lot size, common open space requirements, building orientation, building coverage, height, and parking requirements.

Adopt 17.12.110 - Adopt new section 17.12.110 Alternative Minimum Lot Size and Setbacks for Attached Housing to add text providing bulk standards for attached housing in zoning districts that permit multi-family housing. Proposed bulk standards include reduced minimum lot size, setback standards, and parking requirements.

ANALYSIS

Existing Law - Cottage developments and attached housing (townhouses) are allowed per the zoning code currently. However, to be owner-occupied, the homes must be sold as a condominium or through a horizontal property regime requiring a master deed.

These homes cannot be sold “fee-simple,” because the minimum lot size required in the bulk standards is not small enough to facilitate selling a lot with single-family cottage unit or an attached housing unit (also referred to as townhouses).

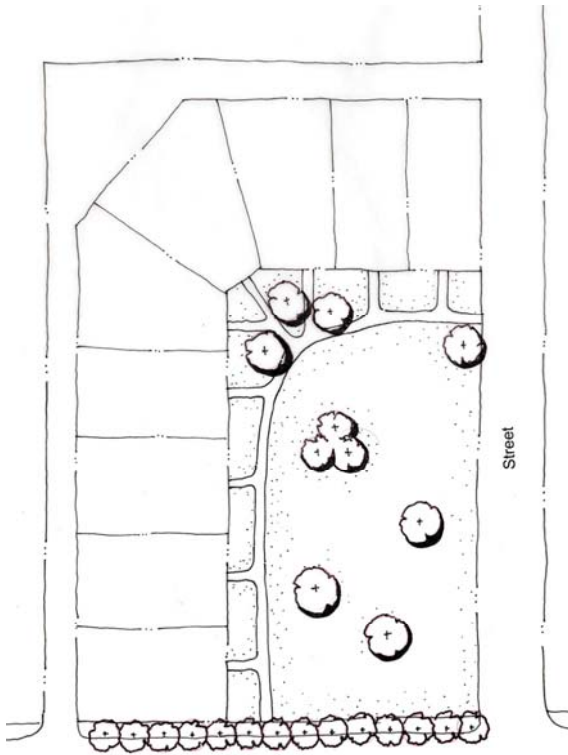
Proposed Text Change - The proposed changes to the Zoning Code would allow a waiver in the minimum lot size for single-family cottage developments and reductions in lot sizes for townhouses. By allowing smaller lots in zoning districts that permit multi-family dwelling units, these cottage and townhouse units can be purchased through fee-simple ownership. For cross reference purposes, notes have been proposed for two district bulk tables to provide for alternative setbacks for the cottage units and attached housing units. A definition of single-family cottage development is also proposed.

Single-Family Cottage Development - Single-family cottage developments are small-lot developments oriented onto a common open space. Developments of between four to ten single-family units are proposed for all zoning districts that currently permit multi-family housing. The cottages would be developed at a density consistent with base zone district; the use of the cottage developments provides no “density bonus.”

In order to allow for a fee-simple purchase of the cottages, the minimum lot size would be waived and replaced with standards. These standards include:

- The amount of common open space be at least 250 square feet per cottage
- The open space shall be bordered by cottages on at least 2 sides.
- Cottage units be oriented to the open space and cottage units abutting a street cannot have the rear of the unit facing the street.
- Only one cottage unit per lot be permitted.
- The maximum building coverage shall be 1,000 square feet, excluding covered porches.
- The maximum height of a cottage shall be two stories.
- Front, rear and side setbacks shall be a minimum of three feet.

The illustration below shows one configuration for a single-family cottage development. In this case, the individual lots front two sides of the common open space and parking is accessed from the rear of each lot. It is also the case that the cottages could surround the common open space on three sides.



The cottage development requires two parking spaces per cottage. These must be located on the overall cottage development site – either on each individual lot, in small parking clusters, or a combination of the two. Parking is not permitted in the established front yard setback or the required common open space. Parking must not be visible from the public street and must be screened from neighboring residential developments.

The care and maintenance of the required open space will be addressed through a homeowners’ association or similar device.

Attached Housing (Townhouses) Attached housing, also referred to as townhouses, would be developed at a density and floor area ratio consistent with the base zone district; the use of the townhouse option provides no “density bonus.” In order to allow for a fee-simple ownership of the unit and the land, the proposed minimum lot sizes and setback requirements would be as shown in Table 17.12.020.B.1.

Table 17.12.020.B.1 Minimum Lot Size and Setbacks for Attached Housing

| Zoning District | Minimum lot area (in sq. ft.) | Minimum rear setback (in ft.) | Minimum side setback (in ft.) | Maximum height |
|--|-------------------------------|-------------------------------|-------------------------------|----------------|
| RM2, RM4, RM6, RM9 | 2,800 | 5 | 0 common wall 5 end unit | 3 stories |
| RM 15 | 1,800 | 5 | 0 common wall 5 end unit | 3 stories |
| RM20, OR20 MUN, MUL, MUG, MUI, OR40, ORI, RM40, RM60 | 1,500 | 5 | 0 common wall 5 end unit | 3 stories |

The minimum street setbacks would be three feet from the right-of-way line, but could not vary more than 20 percent from the standards set in Zoning Code Section 17.12.030.C (3). This section addresses setbacks in residential zoning districts where the development pattern is already established to avoid too much variance from the established pattern.

Parking requirements for attached housing would be the same as for multi-family housing and would be accessed from a rear or side alley or private drive. Parking must not be visible from the public street and must be screened from neighboring residential developments.

STAFF RECOMMENDATION - Approve. This text amendment does not take away existing home ownership options of condominium or Horizontal Property regime ownership. Instead, this text amendment allows fee-simple homeownership in zoning districts permitting multi-family housing. The standards for lot sizes, setbacks, height, and parking included in the text amendments will provide for development that offers new home ownership options while respecting and contributing to the neighborhood.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-035

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-015T is **APPROVED. (9-0)**”

9. **2006Z-016U-08**
Map 082-09, Parcel 312, 314-320
Subarea 8 (2002)
District 19 - Ludye N. Wallace

A request to change from IR to MUN zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, (1.67 acres), requested by Dale and Associates, for William Hunter, etux, C & D Safety Company, LLC, owners. (See also PUD Proposal No. 2006P-002U-08).

Staff Recommendation - Approve

The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-016U-09 indefinitely at the request of the applicant. (7-0)

10. **2006P-002U-08**
The Courts at Germantown
Map 082-09, Parcel 312, 314-320
Subarea 8 (2002)
District 19 - Ludye N. Wallace

A request for preliminary approval for a Planned Unit Development district located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, classified IR and proposed for MUN, (1.67 acres), to permit 27 multi-family units, and 1,991 square feet of retail uses, requested by Dale and Associates, for William Hunter, etux, C & D Safety Company, LLC, owners. (See also Zone Change Proposal No. 2006Z-016U-08).

Staff Recommendation - Approve with conditions

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2006P-002U-08 indefinitely at the request of the applicant. (7-0)

11. **2006Z-026T**

A request to amend Chapters 17.04, 17.12, and 17.20 of the Metro Zoning Code pertaining to the definition, setback and parking requirements for "Mobile Vendors", a proposed new land use, proposed by Councilmember Jason Hart.

Staff Recommendation - Disapprove

REQUEST - Amend Zoning Code section 17.04.060 “Definitions of general terms” to add a definition for “Mobile vendor.”

Amend Zoning Code section 17.12.040 “District Bulk Regulations – Other setbacks” to add a new section stipulating setback and spacing requirements for mobile vendors.

Amend Zoning Code section 17.20 “Parking, Loading and Access” by adding section 17.20.135, establishing parking requirements, and amending table 17.20.030 “Parking requirements established” to include parking requirements for mobile vendors.

BACKGROUND -Metro Council members’ recently proposed an ordinance regulating mobile food vendors. That ordinance was not heard by the Metro Planning Commission. Rather, it was heard by the Codes Committee and Health, Hospitals and Social Services Committee at Metro Council. This is a **separate** ordinance that applies setback and parking requirements for mobile vendors.

Existing Law & Practice- Currently, Metro Zoning Code does not include a separate definition of “mobile vendors,” nor does it provide any specific guidance on their placement or parking.

Proposed Text

“Mobile Vendors” Definition -The ordinance adds to Zoning Code the following definition of “mobile vendors”:

“Mobile vendor means a person who peddles, vends, sells, displays or offers for sale goods, wares or merchandise.”

Setback Requirements -The ordinance proposes the following setback requirements for “mobile vendors”:

1. Displays and activities shall be at least twenty (20) feet from the right-of-way
2. Displays and activities shall not be located within a required landscape area or bufferyard.
3. No mobile vendor may be located within one hundred (100) feet of an intersection of two arterial streets or the intersection of an arterial and a collector street.
4. Mobile vendors shall not located within one thousand five hundred (1,500) feet of another mobile vendor.

Parking Requirements -The ordinance proposes the following parking requirements for “mobile vendors”:

1. Mobile vendors shall provide a minimum of six (6) parking spaces adjacent to the vending area for the exclusive use of the mobile vendor.
2. These mobile vendor spaces shall not occupy minimum required parking spaces for any other use on the site.

ANALYSIS -Metro Planning staff cannot adequately review this ordinance at this time, given the flawed definition of “mobile vendors” proposed by the ordinance.

The definition proposed in the ordinance is problematic because it does not address the *mobility* of the vendors. The definition, as written, would apply to a corner market, a store at a mall or a child selling cookies door-to-door.

Until the definition has been revised, Metro Planning staff cannot assess the intent or impact of the setback, spacing or parking provisions of the ordinance, because they would apply to *all* vendors, not just those that are mobile. For example, spacing requirements of 1,500 feet between “mobile vendors” would apply to all retail establishments.

RECOMMENDATION - Disapprove and re-refer with revised definition of “mobile vendors.”

Disapproved (9-0), *Consent Agenda*

Resolution No. RS2006-036

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-026T is **DISAPPROVED. (9-0)**”

IX. PRELIMINARY SUBDIVISION PLATS

12. **2006S-029G-03**
Capps Road Subdivision
Map 060-00, Parcel Part Of 009
Map 060-05, Parcel 015, 020
Subarea 3 (2003)
District 2 - Jamie D. Isabel

A request for preliminary plat approval to create 8 lots located at the east end of Capps Drive, approximately 700 feet south of Cornish Drive (4.46 acres), zoned RS7.5, requested by Cale and Associates, applicant for Shane Teeters, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Preliminary Plat - Request for preliminary plat approval to create 8 lots on approximately 4.46 acres of land located at the east end of Capps Drive.

Zoning

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

SUBDIVISION DETAILS - The proposed subdivision consists of 8 lots ranging in size from 10,250 square feet to 24,198 square feet. The lots will be accessed by the extension of Capps Drive. The proposed lots are consistent in size with the existing lots on Capps Drive.

Sidewalks - Sidewalks are required and are shown on the preliminary plat.

Buffer Yards - The property is adjacent an IWD district so a “C” class buffer yard is required. The site plan indicates a 20 foot wide “C” class buffer (C-3).

Connections - Typically staff would recommend that a stub street be provided to adjacent properties, but because the adjacent properties are in an industrial district, a connection would not be appropriate.

STORMWATER RECOMMENDATION-Approved

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.

CONDITIONS

1. At time of final plat, bonds for infrastructure improvements will be required.
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 approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
3. If existing vegetation is going to be used to count toward the landscape buffer requirements, plans need to be approved by the Urban Forester, and tree protection fencing installed prior to the issuance of the grading permit.

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

Resolution No. RS2006-037

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-029G-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. At time of final plat, bonds for infrastructure improvements will be required.
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 approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
3. If existing vegetation is going to be used to count toward the landscape buffer requirements, plans need to be approved by the Urban Forester, and tree protection fencing installed prior to the issuance of the grading permit.”

13. **2006S-069U-03**
Ewing Drive Property
Map 060-00, Parcel 005, 006, 060
Subarea 3 (2003)
District 2 - Jamie D. Isabel

A request for a preliminary cluster lot subdivision plat to create 46 lots located on the south side of Ewing Drive, at the south end of Gwynnwood Drive (10.31 acres), zoned RS7.5, requested by William G. Wallis Sr., applicant, Wamble & Associates, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST - Preliminary Plat

Request for preliminary approval for a cluster lot subdivision plat to create 46 lots on 10.31 acres. The project is located on the south side of Ewing Drive, at the south end of Gwynnwood Drive.

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.

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 RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 (minimum 3,750 sq. ft. lots). The proposed lots range in size from 4,000 sq. ft. to 10,172 sq. ft.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 1.59 acres (15%) of open. Two park areas (.77 acres) are also included as part of the proposed open space.

SUBDIVISION DETAILS

Site Plan -As proposed, the plan calls for 46 lots on approximately 10.31 acres with an overall density of 4.46 units per acre. The plan calls for a modified grid street layout, with a majority of the lots being accessed by public streets while lots 1-8 that front Ewing Drive, will be accessed by a rear private access drive.

Access/Street Connectivity -Access for the subdivision will be off of Ewing Drive. Two stub streets are proposed to the east and west, and one stub street is proposed to the south.

Sidewalks -Sidewalks will be located along both sides of all public streets.

Stormwater Detention -In order to maximize land area, underground detention for stormwater runoff is proposed. The underground structure will be located under one of the park areas.

Environmental Sensitive Areas -A stream that crosses a portion of the property is being preserved and left within open space. A stream buffer is also provided.

STORMWATER RECOMMENDATION - Approve

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Plans for solid waste collection and disposal must be approved by Public Works Solid Waste Department.
3. Identify road names.
4. Construct roadway to property line.
5. At lots 10, 11 and 22 roadway intersection, remove PI/tangent lanes from centerline of intersection.
6. At lots 44-46 circular turnaround, show pavement section per St-251.
7. Construct a minimum 75 foot left turn lane on Ewing at access road with transition per ASSHTO standards.
8. Construct 2 exit lanes and 1 entering lane for access road. Identify Gwynwood Drive pavement width.
9. All utilities are to be underground. Appropriate utility provider must approve design and construction. Developer is to coordinate the location of all underground utilities. Street lighting is required.
10. Lots shall not have driveway access to Ewing.

CONDITIONS

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. All Public Works' conditions listed above must be addressed prior to final plat approval.

3. At time of final plat bonds for infrastructure improvements will be required.

Approved with conditions, **(8-0-1) Consent Agenda, McLean recused**

Resolution No. RS2006-038

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-069U-03 is **APPROVED WITH CONDITIONS. (8-0-1)**

Conditions of Approval:

1. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. All Public Works’ conditions listed above must be addressed prior to final plat approval.
3. At time of final plat bonds for infrastructure improvements will be required.”

14. 2006S-072U-03

Enchanted Hills, Addition 1
Map 058, Parcel Portion Of 073
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for preliminary plat approval to create 6 lots located on a portion of property on the east end of Lila Lane, approximately 200 feet north of Golden Hill Drive (5.91 acres), zoned RS15, requested by Lisa Beard Baldwin, owner, Barge Cauthen & Associates, engineer.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Revision to Preliminary Plat

Request to create 6 lots on 5.91 acres located on the west side of Sumatra Road.

ZONING

RS15 - 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.

SUBDIVISION DETAILS - This is a request to revise the preliminary subdivision plat from 10 lots to 6 lots connecting to an existing stub street, Sumatra Road, in the adjacent Enchanted Hills Subdivision. The Commission approved the preliminary request for 10 lots at the October 13, 2005 meeting, which included approximately 16 more acres and another connection with the existing Lila Lane to the northwest.

The current plan removes the acreage with slopes greater than 25% and leaves the property as a remainder parcel and proposes a stub street. The stub street is proposed to connect to Lila Lane if extended in the future through the adjacent property to the north.

STORMWATER RECOMMENDATION - Approved Except as Noted.

1. Revise subdivision number.

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.

CONDITIONS

1. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. Prior to final plat approval, revise subdivision number to 2006S-072U-03 on preliminary plan.

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

Resolution No. RS2006-039

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-072U-03 is **APPROVED WITH CONDITIONS (9-0)**

Conditions of Approval:

1. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. Prior to final plat approval, revise subdivision number to 2006S-072U-03 on preliminary plan.”

X. FINAL PLATS

- 15. 2006S-066G-14**
Golf Club Place, Phase 2
Map 053-00, Parcel 040
Subarea 14 (2004)
District 11 - Feller Brown

A request for final plat approval to create two lots located on the south end of Hurst Drive, approximately 2,800 feet west of Old Hickory Boulevard (4.22 acres), zoned R15, requested by Jerry Lemons, owner, Hart Freeland Roberts, surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Final Plat

Request for final plat approval to create two lots located on the south end of Hurst Drive, approximately 2,800 feet west of Old Hickory Boulevard (4.22 acres), zoned R15.

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.

SUBDIVISION DETAILS - This plat proposes two new lots to be created out of one parcel at the southern end of Hurst Drive. The lots will have approximately the following area and frontage:

- 131,440 sq. ft. (3.017 ac), 83 ft.
- 48,652 sq. ft. (1.117 ac), 69 ft.

Greenway - A 25 foot dedicated Conservation Greenway access Trail Easement Area is shown on the plat on lot 1 adjacent the 50-foot floodway buffer.

Variance Section 2-4.2(D) - Section 2-4.2(D) stipulates that no new lot shall exceed three times the minimum lots size required by the Zoning Regulations for the zone district within which the proposed subdivision is located, but that exceptions can be made when land proposed for division contains flood plain or terrain otherwise unsuitable for development.

While the zoning district would allow for higher density on this parcel, the request is for only two lots. One hundred percent of both lots is within the 100 year flood plain, and the southwestern rear section of lot 1 is in the floodway. Since the request is for only two lots and will preserve a majority of the flood plain on both lots, an exception is warranted.

Recommendation Staff recommends that the two lot subdivision and variance from Section 2-4.2(D) be approved with the condition that 50 percent of the flood plain to be left undisturbed and left in its original, natural state be delineated on the plat.

STORMWATER RECOMMENDATION - Approved

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

CONDITIONS

1. Delineate 50% area on both lots that is to be left undisturbed and in its natural state.

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

Mr. Robert Rutherford, 214 2nd Avenue North, expressed concerns regarding this proposal and requested deferral.

Mr. Jim Lukens, engineer, spoke in favor of the proposal and did not request a deferral.

Mr. Lawson requested further clarification on the proposal.

Mr. Swaggart explained issues regarding Hurst Drive and its connectivity, in relation to the proposed development.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously to approve Final Plat 2006S-066G-14. (9-0)

Resolution No. RS2006-040

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-066G-14 is **APPROVED WITH CONDITIONS.** (9-0)

Conditions of Approval:

1. Delineate 50% area on both lots that is to be left undisturbed and in its natural state.”

16. **2006S-068U-03**
Fairview Subdivision, Portion Of Tract 8
Map 069-08, Parcel Part Of 001
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for final plat approval to create 5 lots located on the south side of West Hamilton Road, approximately 200 feet west of Clarksville Pike (1.85 acres), zoned RS15, requested by Vincent T. Scalf, owner, Hart Freeland & Roberts, surveyor.

Staff Recommendation - Approve with conditions

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-068U-03 to February 23, 2006 at the request of the applicant. (9-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

17. **189-73-G-14**
Central Centre
Map 086, Parcel 341
Subarea 14 (2004)
District 14 - Harold White

A request for final approval for a Planned Unit Development located on the south side of Central Pike, west of I-40, classified MUL (2.56 acres), to permit the development of 31,920 square feet of office and retail space, requested by PBJ Engineering Design Development, LLC, applicant, for Merry Land Holdings, LLC, owner.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Final PUD

Request for final approval for a Planned Unit Development located on the south side of Central Pike, west of I-40, classified MUL (2.56 acres), to permit the development of 31,920 sq. ft. of office and retail space.

PLAN DETAILS

Site Plan - The plan proposes a two-story commercial building with 19,320 square feet on the first floor, and 12,600 square feet on the second floor. Retail use is proposed on the first floor and office on the second floor. The building is situated as close to Central Pike as is possible due to reservation of right-of-way for future widening of the road.

Access - Two driveways are proposed on each side of the building with parking located off these drives and to the rear of the building. There is a secondary gated emergency-access shown to connect with Cherry Creek Apartments, located to the southeast, which is also part of this PUD.

Buffer Yards -Landscape buffer yards are required against the Hermitage Baptist Church and the adjacent residentially zoned residential properties. A C-3 buffer yard is identified along the western property line. A C-2 and C-3 buffer yard are identified on the southern property line, and a C-3 buffer yard is identified along the eastern property line.

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Show and dimension right of way along Central Pike. Label and show reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 - 84' ROW).
3. Are sidewalks required along Central Pike? If required, construct to Public Works standards and specifications.
4. Construct minimum 11' lanes.
5. Comply with previous conditions; Install center turn lane on Central Pike.

STORMWATER RECOMMENDATION - Approve

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

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

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

Resolution No. RS2006-041

"BE IT RESOLVED by The Metropolitan Planning Commission that 189-73-G-14 is **APPROVED WITH CONDITIONS (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
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."

18. 269-84-G-14
 Tulip Grove Center
 Map 075-04, Parcel 172
 Subarea 14 (2004)
 District 12 - Jim Gotto

A request to revise a portion of the approved preliminary site plan and final approval of a Planned Unit Development located at 4751 Lebanon Pike, classified R10 (3.09 acres) to permit the development of a 1,720 square foot addition to an existing 13,140 square foot grocery store, requested by Waste Water Engineers, applicant for Aldi Inc., owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request to revise a portion of the approved preliminary plan and final approval of a Planned Unit Development located at 4751 Lebanon Pike, classified R10 (3.09 acres) to permit the development of a 1,720 square foot addition to an existing 13,140 square foot grocery store.

PLAN DETAILS

Site Plan - The request is for the development of a 1,720 square foot addition onto the existing Aldi grocery store. The addition will be located along eastern wall of the existing building.

History - The original PUD plan was approved for a total of 83,157 square feet of commercial uses. Only 32,265 square feet is currently developed within the PUD.

Parking - While several existing parking spaces will be lost with the construction of the additional square footage, the store will still be in compliance with parking requirements. A total of 74 parking spaces are required, and 100 are being provided.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION-No Exceptions Taken

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

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

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

Resolution No. RS2006-042

“BE IT RESOLVED by The Metropolitan Planning Commission that 269-84-G-14 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

19. **2004P-015U-13**
Matlock, Phase 1
Map 163-00, Parcel 258, 259
Subarea 13 (2003)
District 32 - Sam Coleman

A request for final approval of a phase of a Planned Unit Development located along the east side of Old Franklin Road south of Mt. View Road, classified RM15, (4 acres), to permit the development of 31 townhomes units, requested by Wamble and Associates, applicant for J2K Builders LLC, owners.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Final PUD

Request for final approval a phase of a Planned Unit Development located along the east side of Old Franklin Road and south of Mt. View Road, classified RM15, (4 acres), to permit the development of 31 townhomes units.

PLAN DETAILS

Site Design - Phase 1 of this PUD includes 31 attached two-bedroom townhomes of the 111 townhomes that were approved in the Council-approved plan. In this phase, 24 of the units front on Isabelle Lane, with surface parking lots to the rear, while seven units front on open space. Sidewalks are provided on both sides Isabelle Lane.

Access - The only access point for the PUD is via Isabelle Lane to Old Franklin Road on the west, which is a part of this first phase of the final PUD.

Open Space - This phase has 1.82 acres of open space, constituting 45 percent of this phase. The entire PUD has 4.64 acres of open space (constituting 46% of the total acreage).

Landscaping plan - The detailed landscape design plan that is included in this final PUD is consistent with the landscaping as proposed in the Council-approved PUD plan.

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Developer shall construct a 3 lane road cross section on Old Franklin Road along property frontage and extend to Mt View Road. The developer shall install a dedicated Southbound left turn lane on Old Franklin Road with 75 feet of storage at the project access road. Design shall coordinate with Provincetown PUD widening plans for Old Franklin Road turn lanes at the Mt. View/Old Franklin Road intersection.
3. Dedicate 1/2 of required right-of-way (ROW) for a collector classification and additional ROW for 3 lane cross section for Old Franklin Road if necessary.
4. Developer shall construct project access road with 1 entering lane and 2 exit lanes with 50 feet of storage length.
5. Remove vegetation to provide adequate sight distance at access road.
6. Developer shall Conduct traffic counts and submit signal warrant analysis for the Mt. View Road / Old Franklin Road intersection to the Metro traffic engineer for signal approval. Upon approval, developer shall submit signal plans and install signal per approval.
7. Project roads shall provide a minimum width of 10 feet of asphalt for travel lanes.

STORMWATER RECOMMENDATION - A Technical Review was performed and the following items were noted:

1. Need NOC, ARAP, and signature on EPSC designation.
2. Need Stormwater Detention Agreement and recording fee.
3. Provide vertical datum for benchmark.
4. Required width on construction entrance is 20' minimum.
5. Provide construction schedule.
6. Provide larger delineation for the storm structures.
7. Provide hydraulic grade line for storm water calculations.
8. Need pipe 21 – 22 designed with rational method (not SCS).
9. Provide pre 100 year calculations for the detention pond.
10. Need a slope stability study stating that the pond slope is stable.
11. For the water quality calculations, the unit basin storage volume, V, appears closer to 0.69 (not 0.66).
12. For the water quality calculations, the “elevation when the pond is full” (H), should be from the bottom of the pond elevation to the first orifice elevation (not to the water quality volume elevation).
13. Provide appeal letter from the SWMC for the road crossing / erosion control buffer disturbance.
14. Buffer width for the stream is not adequate, 60' minimum is required.
15. Not enough area appears to be treated for water quality (see southern portion of Phase III). This item could be addressed during Phase III.

Conditions

1. Prior to final plat approval, all Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, all Public Works conditions as listed above must be adequately addressed by the applicant.

3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. 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.
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.

Approved with conditions, **(8-0-1) Consent Agenda, McLean Recused**

Resolution No. RS2006-043

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-015U-13 is **APPROVED WITH CONDITIONS. (8-0-1)**

Conditions of Approval:

1. Prior to final plat approval, all Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, all Public Works conditions as listed above must be adequately addressed by the applicant.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. 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.
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.”

20. **2005P-016G-13**
Marhaden Pointe (Meroney Property)
Map 164-00, Parcel 057
Subarea 13 (2003)
District 32 Sam Coleman

A request for final approval for a Planned Unit Development located at 3681 Hamilton Church Road, east of Hobson Pike, zoned RS10, (17.37 acres), to develop 46 single-family lots, requested by Wamble and Associates for Kenneth Meroney, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Final PUD

Request for final approval for a Planned Unit Development to develop 46 single-family lots, located at 3681 Hamilton Church Road, east of Hobson Pike.

PLAN DETAILS

Site Design - This subdivision completes Pin Oak Drive, which connects Hamilton Church Road to Pin Hook Road on the south.

Sinkholes - A sinkhole is located in the open space of the Hamilton Chase Subdivision, immediately adjacent to the south. Lots 29 and 30 back up to this sinkhole and have been marked critical to indicate that a geotechnical investigation is required prior to the issuance of a building permit.

A low area exists on lots 5 and 6 but it can not be determined if a sinkhole exists in this area until the grading work begins. A note has been added to the plans that note if a sinkhole is discovered lots 5 and 6 could be lost.

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Provide proof of adequate sight distance at the project entrance.
3. Coordinate widening and left turn lane striping of Hamilton Church with De Lago Townhome development. Construct 2 way left turn lane between both developments with adequate transition per AASHTO.

STORMWATER RECOMMENDATION - Approve except as noted. Project needs to provide letter from TDEC approving sinkhole treatment prior to issuance of grading permit.

CONDITIONS

1. Lots 5 and 6 may be lost if during construction it is determined that a sinkhole exists within the lot area.
2. Comply with Public Works' conditions listed above.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. 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, (9-0) *Consent Agenda*

Resolution No. RS2006-044

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-016G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Lots 5 and 6 may be lost if during construction it is determined that a sinkhole exists within the lot area.
2. Comply with Public Works’ conditions listed above.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. 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.”

XII. OTHER BUSINESS

21. Adoption of the expanded Subdivision Regulations.

The Metropolitan Planning Commission DEFERRED the Expanded Subdivision Regulations to March 9, 2006 at the request of the applicant. (7-0)

22. Request to rehear PUD # 95-71-G, MetroCenter, Lot 1 (Crest Hummer Dealership) and set hearing for February 9, 2006, Commission Meeting.

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

23. Contract for the temporary Professional Planning Services of Melissa Stevens.

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

24. Grant Agreement between TDOT and the MPC on behalf of the MPO for Short-range transit planning coordination"

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

ADDENDUM

25. A resolution accepting and appropriating \$32,474.95 in grant funds from multiple sources for use by the Metropolitan Planning Commission pursuant to Contract No. 040109

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

25. Executive Director Reports

26. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 4: 35 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

