



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission**

*May 11, 2006*

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**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  
Councilmember J.B. Loring  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Richard Bernhardt, Executive Director  
Brooks Fox, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Bob Leeman, Planner III  
Trish Brooks, Admin. Svcs. Officer 3  
Luis Pereira, Planner I  
Adriane Harris, Planner II  
Jennifer Carlat, Communications Officer  
Dennis Corrieri, Planning Tech I  
Mr. Lee Jones, Planner II

**Commissioners Absent:**

Jim McLean  
Doug Small, Vice Chairman

**I. CALL TO ORDER**

The meeting was called to order at 4:05 p.m.

**II. ADOPTION OF AGENDA**

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

**III. APPROVAL OF APRIL 27, 2006 MINUTES**

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to approve the April 27, 2006 minutes as presented. **(7-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Craddock announced he would reserve his comments until his item was presented to the Commission.

Councilmember Crafton announced he would reserve his comments until his item was presented to the Commission.

Councilmember Coleman thanked the Commission for their service and dedication to the City. He addressed the Commission regarding Items #8 and 9, 2006Z-069G-12 and 2006SP-072G-13. He stated that his district has particular issues with poor infrastructure, high density and additional traffic that relate to his items on the agenda.

Ms. Cummings arrived at 4:07

Councilmember Williams spoke in favor of Item #12, 2006Z-078U-10 which was on the Consent Agenda for approval. She spoke regarding Item #15, 2006S-160U-10. She stated that the constituents affected by this proposal would like to see a planned and managed proposal that will enhance the growth of their community. Councilmember Williams also

addressed the Commission regarding Item #14, 2006S-127U-10. She stated she agreed with staff's recommendation for disapproval on this proposal. She stated that this proposal does not maintain the existing character of this neighborhood.

Councilmember Hausser announced she would reserve her comments until her item was presented to the Commission.

Councilmember Jameson announced he would reserve his comments until his item was presented to the Commission.

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

- 3. 2006S-148G-14 Hermitage Creek - Request for preliminary plat approval to create 11 cluster lots at Tulip Grove Road (unnumbered) – deferred to May 25, 2006, at the request of the applicant
  
- 22. 2005UD-003G-12 Carothers Crossing Phase 2 - Request for final approval of an Urban Design Overlay, located at 7107, 7211 7244 Carothers Road and Carothers Road (unnumbered), and Battle Road (unnumbered), to permit the development of 58 detached single family lots, 58 attached single-family lots, 32 multi-family units and 17,000 square feet of commercial space – deferred to May 25, 2006, at the request of the applicant

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items. **(8-0)**

**VI. PUBLIC HEARING: CONSENT AGENDA**

**VII. A REQUEST TO AMEND THE SUBAREA 4 PLAN: 1998 UPDATE BY ADJUSTING THE BOUNDARIES OF THE OFFICE CONCENTRATION POLICY AREA IN THE VICINITY OF SOUTH GRAYCROFT AVENUE, BRIARVILLE ROAD, CHERON ROAD, AND DUE WEST AVENUE** - Approve

**VIII. CONFIRMATION OF THE NINE MEMBER BELMONT UNIVERSITY NEIGHBORHOOD ADVISORY GROUP** - Approve

- 1. 2006IO-002U-10 Belmont University I.O. (Drama Theater) - A request for final approval for a portion of the Institutional Overlay district located at 1900 Belmont Boulevard, to permit a 5,495 square foot addition to an existing building to be used for a drama theater - Approve w/conditions

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

- 2. 2006S-109G-06 Natchez Pointe - Request for preliminary plat approval to create 49 cluster lots located at 8729 McCrory Lane and McCrory Lane (unnumbered) - Approve w/ conditions

**ZONING MAP AMENDMENTS**

- 5. 2006Z-037G-04 Request to change from RM9 to OR40 district property located at Cheron Road (unnumbered) - Approve with the approval of the associated subarea plan amendment.
  
- 10. 2006Z-074U-12 Request to change from RM20 to OR20 zoning property located at 326 Travis Drive - Approve
  
- 11. 2006Z-076G-12 Request to change from RS10 to AR2a zoning property located east of Blake Drive between Blake Drive and Mill Creek - Approve
  
- 12. 2006Z-078U-10 Request to rezone various properties from R40 to RS40 located on Lynnwood Boulevard, Harpeth Hills Drive, Wayland Drive, Beacon Drive, Wayland Court and Hemingway Drive between Harding Place and Tyne Boulevard - Approve

## FINAL PLATS

16. 2006S-162G-06 Paul A. Justice Subdivision, Rev. 1 – A request to amend the final plat to remove a condition applying to lots 2 and 3 which states that the homes must be oriented towards the Harpeth River - Approve w/conditions

## PLANNED UNIT DEVELOPMENTS (revisions)

18. 53-84-U-12 Swiss Ridge Apartments - Request to revise a portion of the preliminary and for final approval for a portion of the Residential Planned Unit Development district located along the east side of Swiss Avenue, to permit the addition of 32 multi-family units - Approve w/conditions
19. 98-73-G-02 Hickory Hills PUD - Request to revise a portion of the preliminary plan for the Commercial Planned Unit Development district located at Hickory Hills Court, north of Old Hickory Boulevard, to permit a 51,702 square foot addition to an existing 52,289 square foot warehouse/light manufacturing building for a total of 103,991 square feet - Approve w/conditions
20. 2005P-033U-14 Whitland Crossing PUD-Pinnacle Bank - Request for final approval for a portion of a Planned Unit Development district located along the west side of Donelson Pike, north of Wellman Drive, to permit a 3,918 square foot bank - Approve w/conditions
21. 2004UD-001U-10 31<sup>st</sup> Avenue and Long Boulevard – Request for a recommendation of approval from the MPC to the BZA for variance to the landscape bufferyard requirement, section 17.24.230 of the Metropolitan Zoning Ordinance. -- Approve with a condition to install a “c” Landscape buffer with a six foot tall wooden fence with masonry columns

## OTHER BUSINESS

24. Amended employee contracts for Lee Jones, Randy Morgan and Hilary Kahnle. - Approve

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

## **VII. A REQUEST TO AMEND THE SUBAREA 4 PLAN: 1998 UPDATE BY ADJUSTING THE BOUNDARIES OF THE OFFICE CONCENTRATION POLICY AREA IN THE VICINITY OF SOUTH GRAYCROFT AVENUE, BRIARVILLE ROAD, CHERON ROAD, AND DUE WEST AVENUE**

**APPLICANT REQUEST** - A request to amend the Subarea 4 Plan: 1998 Update to go from Residential Low Density and Residential Medium Density policies to Office Concentration policy and from Office Concentration policy to Residential Low Density and Residential Medium Density policies for approximately 54.75 acres for property located along Cheron Road, Briarville Road, South Graycroft Avenue, and Due West Avenue, requested by Littlejohn Engineering Associates and the Metropolitan Planning Department.

**PUBLIC PARTICIPATION** -Staff held a community meeting on April 25, 2006 which was attended by approximately 15 people. Virtually all of the people present at the meeting expressed agreement with the amendment.

### **Land Use Policies**

**Residential Low Density (RL)** -Residential Low Density is a Structure Plan category designed to conserve large areas of established, low density (two dwelling units per acre or below), subdivided residential development that have their own street systems.

**Residential Medium Density (RM)** -Residential Medium Density is a Structure Plan category designed to accommodate residential development within a density range of about four to nine dwelling units per acre.

**Office Concentration (OC)** - The Office Concentration Structure Plan category applies to existing and future large concentrations of office development. The predominant uses in Office Concentration areas are offices.

**ANALYSIS** - Staff recommends approval of the proposed amendment as follows.

When the Subarea 4 Plan was last updated in 1998, policy boundaries were drawn in a very rough, symbolic manner in order to allow for flexibility in interpretation when zoning cases were analyzed. Since that time, the Planning Department and Commission have moved to a system of more property and zoning line-specific boundaries in order to achieve greater clarity. The South Graycroft/Due West Avenue Office Concentration area is one such area where policy boundaries are roughly drawn and do not follow any identifiable features. In association with a proposal to locate the Nossi College of Art at the western edge of the Office Concentration area, the Planning Department would like to take the opportunity to adjust the boundaries of the Office Concentration area to primarily follow existing property and office zoning lines. Most of the area in question is already zoned for office use except the lower western portion south of Lentz Drive.

The area in question is well suited for office use, with good access to the major street and freeway systems. The topography is primarily level and lacks environmental constraints. The surrounding residential neighborhoods are healthy and diverse.

The proposed western edge of the Office Concentration area where the art school would be located corresponds to a ridgetop that provides a good feature to use as a boundary between the Office Concentration and Residential Medium Density policy areas in that location.

Approved (8-0), *Consent Agenda*

**Resolution No. RS2006-153**

“BE IT RESOLVED by The Metropolitan Planning Commission that the **REQUEST TO AMEND THE SUBAREA 4 PLAN: 1998 UPDATE BY ADJUSTING THE BOUNDARIES OF THE OFFICE CONCENTRATION POLICY AREA IN THE VICINITY OF SOUTH GRAYCROFT AVENUE, BRIARVILLE ROAD, CHERON ROAD, AND DUE WEST AVENUE** is **APPROVED. (8-0)**”

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**VIII. CONFIRMATION OF THE NINE MEMBER BELMONT UNIVERSITY NEIGHBORHOOD ADVISORY GROUP**

**Members Serving a One Year Term**

Mildred Johnson  
Jan Hosse  
David Graefin  
Jan Johnson

**Members Serving a Two Year Term**

Denise Gyauch  
Artis Adams  
Ross Pepper  
John Green

**Ex Officio Member**

Keith Durbin

Approved (8-0), *Consent Agenda*

**Resolution No. RS2006-154**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Confirmation of the Nine Member Belmont University Neighborhood Advisory Group is **APPROVED. (8-0)**”

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- 2006IO-002U-10**  
Belmont University I.O. (Drama Theater)  
Map 104-16, Parcel 323  
Subarea 10 (2005)  
District 18 - Ginger Hausser

A request for final approval for a portion of the Institutional Overlay district located at 1900 Belmont Boulevard, along the north side of Delmar Avenue, classified RM20, to permit a 5,495 square foot addition to an existing building to be used for a drama theater, requested by Ingram Civil Engineering Group, LLC, and Belmont University owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST - Final Site Plan Approval**

Request for final approval for a portion of the Belmont University Institutional Overlay district located at 1900 Belmont Boulevard, along the north side of Delmar Avenue, to permit a 5,495 square foot addition to an existing building to be used for a drama theater.

**PLAN DETAILS**

**Proposed Plan** - This plan for a drama theater falls within the Belmont Boulevard Arts and Entertainment Zone, which is intended to have activities and design that is complimentary to the existing neighborhood and nearby commercial uses. This area is intended to have “a sense of a village center with a Main Street character.” (p.20). The range of activities intended for this area include mixed use of assembly, instructional, entertainment, residential and related commercial. The proposed plan includes a new façade and grand entryway into the building through two opposing staircases. The expansion of the building in the rear crosses an existing alley, which includes a new access point from Delmar Avenue. Staff recommends approval since the proposed plan is consistent with the intent of this Activity Zone, as well as the bulk standards outlined in the Ordinance.

**Access** - Access to this site will be from a new access point on Delmar Avenue to the existing alley. Access can also be gained from Compton Avenue to parking areas to the rear of the site. A portion of the alley, which is accessed from Compton Avenue is proposed to be closed to accommodate the expansion of the existing building to the rear. The Metro Council must approve the closure of the alley prior to development along this alley.

**Condition from Council Bill** - The council bill included numerous conditions that have been addressed, where applicable, with this proposal. The conditions are as follows:

1. A Belmont University Neighborhood Advisory Group will be formally established to work with the neighborhood, Belmont University, and Metropolitan Planning staff on issues associated with implementing the institutional overlay and its' associated Master Development Plan. The Advisory Group will include nine members serving staggered two-year terms. Four recommendations for persons to serve on the Advisory Group will be presented by Belmont University and four recommendations presented by the Metro Councilmember in whose district Belmont University is located. The final member of the Advisory group will be the president of Belmont Hillsboro Neighbors, or his/her designee. Within six months of the passage of BL 2005-555, the Councilmember and Belmont University will recommend appointees to the Metropolitan Planning Commission for confirmation. Members must live or operate/own a business or commercial property in the vicinity of the campus, which may include, but is not limited to 15th Avenue South, Acklen Avenue, 14th Avenue South, 12th Avenue, Caldwell Avenue, Ashwood Avenue, Belmont Boulevard, and 18th Avenue South.
2. The Belmont University Neighborhood Advisory Group and Belmont representatives will meet on a quarterly basis to discuss matters of common concern. In addition, the planning department staff will convene a meeting of the Advisory Group to gather input on any project that requires final site plan application for property lying within the Belmont I-O district and on any project that constitutes a "major modification" of the I-O district as that term is defined in Section 17.40.140(e.2) of the Metro Code. The Belmont University Neighborhood Advisory Group will review the proposed development in light of the objectives of the campus Master Development Plan and this amendment to the Master Development Plan. In advance of final design/outset of construction, Belmont will provide the Advisory Group with information about the development and any impact it may have on the neighborhood such as timing, construction traffic, construction hours, construction worker parking, lighting, landscaping, and plans to communicate with the community, etc. Belmont will, in good faith, work with the Advisory Group to come to consensus on how to address any aspects of the projects that are of concern to a majority of the members of the Advisory Group. As such, the Planning Commission staff member reviewing the request for a building permit will meet or in some case electronically communicate with the Advisory Group and the university to ensure that the Master Development Plan, this amendment, and neighborhood construction issues have been adequately addressed.
3. To facilitate the smooth integration of university construction activities with the neighborhood, Belmont will require its general contractors and all acting on its behalf to conform to all applicable Metro ordinances regarding noise levels, work hours, and external lighting. In addition, when establishing routes for construction vehicles entering and exiting building sites on Belmont's campus, Belmont will place a priority on keeping construction traffic off residential streets wherever possible. Further, Belmont commits to maintain the homes it owns in residential areas to neighborhood standards. Specifically, Belmont will not board up any windows on residential

properties it acquires (unless the structure is to be razed within one month's period of time). In addition, Belmont will not store construction debris outside the perimeter of a construction fence on residential property and will attempt to keep such debris out of the sight of the surrounding residential community.

4. Belmont is actively acquiring residential properties within its Master Development Plan. When Belmont rents residential property to tenants in the residential buffer area on 15th Avenue South, it will exercise preferences in favor of Belmont's faculty, staff, and graduate students and will not rent to undergraduate students unless there is an existing lease in place.
5. In an effort to recognize the unique role the university and the surrounding neighborhoods to the university have with one another, Belmont will establish a Community Outreach Scholarship program. The university will award biennially a scholarship fund equal to one half of the full time undergraduate tuition to an eligible student. Eligibility requirements include the following:
  - Permanent address located within geographic boundaries: Natchez Trace to I-65 and I-440 to I-40
  - Academic credentials (GPA and Test Scores) at or above university average
  - Demonstrated financial need
  - Preference given to public high school graduates
  - Commitment to community service demonstrated through activities on leadership resume
6. Belmont will continue to communicate on a neighborhood wide basis bi-annually or more frequently as needed. Communication will take the form of open meeting and/or newsletter. Such communication should include changes occurring on the campus, construction, major events, and other items of interest for the neighborhood.
7. For residents on 15th Avenue South in order to guarantee a fair price to those residents, Belmont University will pay for two appraisals prior to the purchase of their property. The University will select one appraiser and the property owner will select one. At the point at which Belmont has purchased the West side of the first block of 15th Avenue South and Wedgewood, Belmont will make every reasonable attempt to purchase the homes in that block on the East Side of 15th Avenue South, prior to undertaking construction of the academic building designated in the Master Development Plan for the corner of 15th Avenue South and Wedgewood Avenue.
8. The architectural guidelines for development along 15th Avenue and Ashwood shall extend the entire length of 15th Avenue, with the exception of any new building situated on the corner of 15th Avenue and Wedgewood. A building on the corner of 15th Avenue and Wedgewood may be exempt from the vertical articulation requirements of the architectural guidelines established in the overlay if Belmont makes every reasonable attempt to purchase the homes in the first block on the East side of 15th Avenue South. The Planning Commission staff in consultation with the Neighborhood Advisory Group and Belmont University will make the determination of whether the "reasonable attempt" standard has been met.
9. There shall be no parking allowed in front of buildings, excluding existing parking and on-street parking, in the Arts and Entertainment Zone.
10. Lighting shall be internally directed and shall minimize light trespass and pollution onto adjacent residential properties.
11. Portable buildings shall be allowed for construction-related uses, with Planning Department review of the location. Portable buildings shall be allowed for other uses only with approval by the Planning Commission.
12. The University shall not count on-street parking in meeting parking requirements for new development.
13. When there is a change in the use of a building, a study shall be conducted to determine if there is a need for additional parking related to the new use. Such study shall consider available parking.
14. Access to the proposed parking structure near Bruin Hills shall be limited to 12th Avenue and 15th Avenue.
15. East Belmont Circle and Belmont Boulevard shall not be closed to motorized traffic until a Traffic Impact Study is conducted for both streets, and East Belmont Circle must also be referred to the Planning Commission for review before closing.

16. Provide a minimum of the 5 foot wide B-5 landscape buffer to non-university owned properties adjacent to the new Health Sciences building and the proposed parking structure at the Bruin Hills dormitory.
17. When development site 3 is redeveloped, the maximum building height shall not exceed that of the existing apartment building.
18. As new development occurs, buildings at the corners of Belmont and Ashwood as well as 15th Avenue and Ashwood shall be configured so as to create a "pocket park" with a minimum area of 1,500 square feet for university and public use.
19. Loading and refuse areas shall not face public streets along the perimeter of the overlay district.
20. Approval of the IO overlay does not require the instillation of a traffic signal at 15th Ave., South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be continued.
21. In order to lessen traffic and parking issues associated with university growth, and to maintain the viability of the surrounding neighborhood, Belmont University will fund a traffic calming/parking/streetscape/aesthetics study to make improvement to the streets surrounding the university including: 15th Avenue South, Acklen Avenue, Caldwell Avenue, Ashwood Avenue, Belmont Boulevard, 18th Avenue South, 19th Avenue South, and on Villa Place from Wedgewood Avenue to Horton Avenue (with recognition that Villa is already participating in Metro's Traffic Calming program). This study will be initiated within two months of the date of passage of BL 2005-555 and submitted to the Belmont University Neighborhood Advisory Group and Metro Public Works for approval of the recommendation. Such recommendations will be finalized within five months of the passage of this legislation. Once approved by the Advisory Group, Public Works, and if needed, the Metro Traffic and Parking Commission, Belmont will implement the recommendations within two months of the mandatory approvals by Metro. At a minimum the plan will include improvements of \$25,000 already obligated by Belmont University as a condition of the Board of Zoning Appeals' approval of the Health Science Center.
22. In recognition of the traffic and congestion concerns Belmont University will collaborate with MTA to determine the feasibility of offering incentives to employees and students to utilize mass transit.
23. To further protect the viability of the neighborhoods surrounding the university, Belmont will create a plan for a main entrance to the campus at Wedgewood and East Belmont Circle, with the understanding that the plan should seek to minimize any increased impact to Villa Place. This may include additional turn lanes, lights, or other recommendations for changes at the intersection as required by Public Works and/or Metro Traffic and Parking Commission. At a minimum, East Belmont Circle will continue to be open to vehicular and pedestrian traffic, unless otherwise approved by Metro Planning Commission, improvements will include the addition of a left turn lane from East Belmont Circle to Wedgewood, and monument signs directing students, faculty, and visitors to the entrance and parking garage. This plan will be presented to the Belmont University Neighborhood Advisory Group and to Metro Public Works. Improvements to this intersection will be completed within one year of approval from Public Works and/or the Metro Traffic and Parking Commission.
24. Upon adoption of Ordinance No. BL2005-555, as amended, by the Metropolitan Council, Belmont University will make these changes and the changes required by the Metropolitan Planning Commission to the Master Development Plan. The revised Master Development Plan will be posted on the university's website, with a printed copy provided to the Metropolitan Planning Commission, Metro Public Works, the district Councilmember, Metro Codes, Belmont Hillsboro Neighbors, Sunnyside Neighbors, members of the Advisory Group, and to residents on streets surrounding the university at their request.

**METRO PUBLIC WORKS RECOMMENDATION** -No exception taken.

**FIRE MARSHAL** -Approved.

**METRO STORMWATER RECOMMENDATION** - Approved. Exempt from grading permit.

**CONDITIONS (If Approved)**

1. This approval does not include any signs. Business accessory or development signs in Institutional Overlay districts must be approved by the Metropolitan Planning Commission/Planning Department.
2. Prior to the issuance of any building permits, a final plat shall be recorded.

3. A Mandatory Referral shall be approved by the Metro Council for the closure of the alley to the rear of the site prior to development occurring within this alleyway.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

**Resolution No. RS2006-155**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006IO-002U-10 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. This approval does not include any signs. Business accessory or development signs in Institutional Overlay districts must be approved by the Metropolitan Planning Commission/Planning Department.
2. Prior to the issuance of any building permits, a final plat shall be recorded.
3. A Mandatory Referral shall be approved by the Metro Council for the closure of the alley to the rear of the site prior to development occurring within this alleyway.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
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."

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

**PRELIMINARY SUBDIVISION PLATS**

2. **2006S-109G-06**  
Natchez Pointe  
Map155-00, Parcel 219, 224  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request for preliminary plat approval to create 49 cluster lots located at 8729 McCrory Lane and McCrory Lane (unnumbered), approximately 1,410 feet south of Lewis Road (59.48 acres), zoned RS80 and RS20, requested by Natchez Point LLC, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST-Preliminary Plat**

Request to subdivide 59.48 acres into 49 single-family lots within a cluster lot subdivision located on the south side of McCrory Lane.



## **ZONING**

**RS20 district** -RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

**RS80 district** -RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

The property was rezoned to RS20 and RS80 in October 2005. The Commission recommended approval of this proposal in July 2005.

**SUBDIVISION DETAILS** -There are 49 cluster lots proposed for single-family only ranging in size from 10,000 square feet to 80,000 square feet. Lots in the 10,000 square foot range are within the RS20 zoning district and lots in the 30,000 to 80,000 square foot range are within the RS80 zoning. There are two lots that are 80,000 sq. ft. or greater proposed off of an existing drive and 10' joint access easement between lots 10 and 11.

There are no stub streets proposed due to the steep topography surrounding the property. Forty acres are proposed for open space.

**Deferral** - The Commission deferred this request at the last meeting to allow for alternative design plans to be submitted. Staff recommended disapproval of the subdivision due to lots not meeting the cluster lot option policy. Sixteen of the designated lots were within 20% or greater slopes and staff recommended that these lots be removed from the plan. The plan has been modified, as follows:

- Proposed lots reduced from 56 to 49 proposed lots. Seven lots were removed to accomplish compliance with the cluster lot option policy.
- Lots with 20% slope areas have been revised to show the minimum building envelope mostly out of the slope areas.
- The two lots near stream buffer were combined to have a 30,000 sq. ft. lot size to meet the cluster lot option policy. There are now 5 lots proposed with no street frontage. One of these lots should be removed due to the building envelope being mostly within 20% slopes.

**Double Frontage Lots** -Ten double frontage lots are proposed along McCrory Lane, which requires a landscape buffer yard. A standard "D" landscape buffer yard is required along these lots since the lots are two zoning districts below the base zoning district (RS20 to RS10). This will need to be denoted on the plan prior to final plat approval.

**Variance for Lot Frontage** - Five lots are proposed with no public street frontage, which requires a variance from the Subdivision Regulations. There is a stream that runs parallel with the proposed Natchez Pointe Drive. The lots are proposed to front the stream, which will give the lots the appearance of public street frontage. Access to the lots is proposed from a 20-foot joint access easement.

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

Staff recommends approval of the variance if the Commission approves these lots with building envelopes outside of the 20% or greater slopes. One of the lots has a 30,000 sq. ft. lot size, but the building envelope is totally within the 20% or greater slopes. This lot should be removed.

All of the lots within this subdivision are zoned RS20 or RS80. Two proposed lots in the previously submitted plan did not meet the cluster lot option because the proposed lot sizes were reduced by more than two base zone districts. Since the lots are zoned RS80, they are only allowed to be reduced to 30,000 sq. ft. These two lots have been combined to meet the cluster lot option regulation since the last meeting.

**Critical/Cluster Lots** -Ten critical lots are proposed due to steep topography. These lots are within the RS80 zoning district and Natural Conservation policy. All of these lots have 20% or greater slopes.

Two of these lots are 80,000 square feet or greater and are using an existing driveway for access, creating less disturbance of the steep slopes. A retaining wall is proposed along the frontage of these lots. These should not be designated as critical lots since they are over an acre in lot size. Prior to final plat approval, this critical lot denotation should be removed for these two lots.

The Commission cluster lot policy requires heightened review of cluster lot subdivisions.

The application does not comply with the special protections contained in the Hillside Development Standards. “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.” Metro Code, § 17.28.030 A. When the Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%. The application should be revised to comply with the Hillside Development Standards by setting aside all areas with 20% or greater slopes as common open space to remain undisturbed.

The applicant has provided a plan that shows the building envelope outside of the 20% or greater slopes, however, there are 8 lots still within these areas. This excludes lots 13 and 14 since they are proposed for 80,000 sq. ft. or greater lots.

**STORMWATER RECOMMENDATION** - Approved.

**PUBLIC WORKS RECOMMENDATION** - Exception Taken.

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Prior to submittal of construction plans, indicate the amount of sight distance at the project entrance, and if adequate site distance is provided per AASHTO for posted speed limit on McCrory Lane.
3. All roads to be one foot minimum above the 100 year floodplain.
4. Retaining or split face walls to be located outside of the right of way and maintained by the HOA.
5. Retaining walls approximately 10 - 25 feet along Public Right of way. Specific design parameters for each retaining wall shall be provided prior to submittal of construction plans.
6. Construct one entering and two exiting lanes with a minimum of 50' of storage to McCrory Lane.

**CONDITIONS**

1. All Public Works and Stormwater comments and conditions for public infrastructure and/or right of way shall be addressed prior to final plat approval.
2. Prior to final plat approval, show required landscaping buffer for double frontage lots along McCrory Creek.
3. Prior to final plat approval, lots 21 to be removed from plan.
4. Prior to final plat approval, remove “critical lot” denotation from lots with 80,000 sq. ft. lot sizes.
5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

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

**Resolution No. RS2006-156**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-109G-06 is **APPROVED WITH CONDITIONS (8-0)**”

**Conditions of Approval:**

1. All Public Works and Stormwater comments and conditions for public infrastructure and/or right of way shall be addressed prior to final plat approval.
2. Prior to final plat approval, show required landscaping buffer for double frontage lots along McCrory Creek.
3. Prior to final plat approval, lots 21 to be removed from plan.
4. Prior to final plat approval, remove “critical lot” denotation from lots with 80,000 sq. ft. lot sizes.

5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

3. **2006S-148G-14**  
Hermitage Creek  
Map 086-00, Parcel 249  
Subarea 14 (2004)  
District 12 - Jim Gotto

A request for preliminary plat approval to create 11 cluster lots at Tulip Grove Road (unnumbered), approximately 2,520 feet north of Rockwood Drive (5.63 acres), zoned RS15, requested by Hermitage Creek Homes II LLC, owner, Civil Site Design Group, surveyor.

**STAFF RECOMMENDATION – Disapprove**

**The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat to May 25, 2006, at the request of the applicant. (8-0)**

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

4. **2005SP-170U-05**  
Walden Specific Plan  
Map 083-06, Parcel 378, 379, 413  
Subarea 5 (1994)  
District 6 - Mike Jameson

A request to change from R6 to SP zoning, property located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets (7.26 acres), to permit the development 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store uses, and 3 single family lots, requested by March Egerton, applicant/owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST** - Rezone 7.26 acres from residential single family and duplex zoning (R6) to Specific Plan (SP) zoning properties located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets, to permit the development of 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store, and 3 single family lots.

### **Existing Zoning**

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

### **Proposed Zoning**

SP district (preliminary) -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 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.

## EAST NASHVILLE COMMUNITY PLAN POLICY

**Neighborhood Center (NC)** -NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Neighborhood General (NG)** -NG policy 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.

**Policy Conflict** -The SP district proposes a mixture of uses and vertically-integrated building typologies that are consistent with the intent of the Neighborhood Center policy area that applies to a majority of parcel 379, all of parcel 378, and a small portion of 413. Uses include 17 new townhomes, seven mixed use buildings with retail/restaurant/office uses on the first floor, and mainly residential space on floors 2 and 3 (with some very minor opportunity for offices), and 3 single family lots. There are also small opportunities for a furniture store, and custom assembly uses (including activities such as jewelry-making and leather goods assembly). The SP district is not completely consistent with the Neighborhood General Policy area on the majority of parcel 413, given the nonresidential uses, but these uses can be appropriate based upon their close proximity to the NC policy. In addition, the majority of the NG policy area is where parking and townhome uses are proposed in the SP, which is consistent with NG policy. The SP design is also pedestrian-friendly, a major goal of both NC and NG policies, as discussed in detail below.

**Building Heights** Though the East Nashville Community Plan does not specifically address the height of buildings within a Neighborhood Center policy area, it does point to the context of the street and surrounding neighborhood in determining the range of appropriate building heights within a development. The proposed building heights in this SP plan include 2 and 3 story buildings, the latter of which are all located along Eastland, to create a more intense, mixed use, and pedestrian-scale environment that will be consistent with and complement the restaurant and residential buildings on the north side of Eastland Avenue at this location.

### Preliminary Plan Details

**Overview** - While the site is currently zoned R6, the applicants propose the SP to allow the renovation of an existing one-story nursing home building (and an addition of one story), the new construction of five vertically-integrated mixed use buildings, two 4-unit townhome buildings, 3 single family lots, and the extension of North 18<sup>th</sup> Street to be constructed to connect with Eastland Avenue. An additional 9-unit townhome building and another mixed use building is to be constructed at the corner of the [new portion of] North 18<sup>th</sup> Street and Eastland Avenue. As the site is a fairly intense mixed use development, the only open space as provided within its boundaries is the stream/ditch area that crosses the property from the north to the south on its western side. Water quality devices have been proposed within this open area.

**Mixed land uses** - The proposed SP includes six mixed use buildings with retail/restaurant/office (R/R/O) uses on the first floor, and in four of these six buildings, residential uses on the second floor. The other two buildings have either retail/residential and office uses on the second floor. The three mixed use buildings to the west of the new private access driveway into the development will be built to three stories, with residential uses on this third floor. The largest of the R/R/O uses is **office** (17,500 square feet of general office, and 3,200 square feet of medical office uses). **Restaurant** uses rank second (11,400 square feet of take-out and 7,000 square feet of full service restaurant uses), and **retail** uses rank third (10,000 square feet of convenience retail and 5,600 square feet of general retail uses). Other minor nonresidential uses that are proposed within the six mixed use buildings include the following:

- 6,800 square feet of personal care services
- 3,000 square feet of furniture store uses
- 3,000 square feet of custom assembly uses

**Residential land uses** - As discussed above, the plan includes 99 residential units, consisting of 57 one bedroom and studio units to be located on floors two and three of the mixed use buildings. Forty-two two bedroom units are proposed as well, mainly in the townhome buildings to be located along the new portion of North 18<sup>th</sup> Street (9 units), and on the southern portion of the SP (two buildings, with 4 units each). Each townhome has a garage accommodating two vehicles.

The townhome buildings on the south side of the development (a part of phase 5) have undergone several design iterations during the review process. The applicant failed to comply with the staff's early comment to orient the townhomes to McEwen Avenue; in addition, the applicant has not been able to demonstrate a defensible building layout or orientation to the internal part of the project – as surface parking is shown to surround the buildings on all sides. Given the unresolved design issues, staff recommends that the following design issues be adequately resolved prior to final SP site plan for phase 2 of this SP. These changes can be administratively approved by Planning staff:

- Alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a parking lot area for the townhomes. This layout may be required to change with the re-design.
- The two townhome buildings in this area must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the surface parking area.
- In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
- Prior to final SP site plan for phase 2, a connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.

**Vehicular Access** In phase 1, the site is proposed to be accessed off of a new private driveway that will begin at Eastland Avenue, extending across from Chapel Avenue to the North. This private driveway will have parallel parking along both sides, and will function as the main entry point into the project. As mentioned above, a condition on phase 5 is for the applicant to add a connection to McEwen Avenue to the south, to provide the neighborhood to the south access to the project. Staff recommends that these access points be required with or prior to approval of the final site plan for phase 5.

Given the magnitude of this project, Public Works has included a condition that the right-of-way reserved along Eastland Avenue be to U4 standard. Because this street's classification may change in the near future, Planning has required that Eastland's right-of-way be to *either* the U4 dimension, or to another cross section approved by MPW.

**Building Elevations/Illustrations** - The plan includes rendered building illustrations for phase 1 for both building 1 (the existing building to be renovated), as well as building 2; there are also illustrations for phase 2, buildings 3 and 5. Staff has reviewed the illustrations and recommends approval of them. Staff will review and approve building illustrations for the latter phases at the final SP site plan stage.

**Landscaping Plan** - A concept plan for the proposed landscaping to be installed has not been included with this preliminary SP. Prior to approval of this preliminary SP on third reading at Council, a concept plan must be submitted by the applicant and approved by the Planning Department. A final, more detailed landscaping plan is a requirement at the final SP site plan stage(s) (including Tree Preservation details).

**Pedestrian access** -The intent of this project to act as a pedestrian-friendly neighborhood center and provide a relatively high intensity mixture of land uses. The applicant has shown sidewalks along the frontage of this property of Eastland Avenue, as well as along both east and west sides of the new private street within the project, and along the east side of North 18<sup>th</sup> Street (to be actually constructed/bonded in conjunction with phase 2). There are also internal sidewalks that surround buildings 2, 3, 4, 5, and 6, all of which are proposed for retail/restaurant/office uses on the first floor, and of which at least 2, 3, and 5 will have more than one front façade so that residents, shoppers, diners, and office workers may walk freely among uses.

This property is located across the street from existing restaurant uses, and the pedestrian scale of this project is consistent with those buildings. Staff recommends that prior to approval of phase 1 of the final SP site plan, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as improve the crosswalk (if necessary) from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).

Planning staff still has some reservations about the functionality of the overall pedestrian regime, especially within the area slated to be re-designed, on the southern side of this project. Prior to final SP site plan approval of phase 2, a finalized parking plan that optimizes pedestrian movement within the project must be submitted and approved by the Planning Department.

**Parking** A total of 292 parking spaces have been proposed with this development:

- 20 on-street spaces on the south side of Eastland Avenue
- 11 on-street spaces along the east side of N. 18<sup>th</sup> Street (to be constructed/bonded with phase 2)

- 34 garage spaces (for the 17 townhome units)
- 225 surface spaces, to be shared by the retail/restaurant/office and residential uses.

The proposed number of spaces meets the normal parking requirements of the Metro Zoning Ordinance, given the proposed intensity of land uses and location within the Urban Zoning Overlay. The applicant has also cited the 25 percent parking reduction that would normally apply to this project under any other zone district, given the development's proximity to public transportation, its pedestrian-friendly design, and inclusion of on-street parking. These considerations have led the applicant to argue that he has overparked by a total of 87 spaces.

Stream disturbance - The Stormwater Division of Metro Water Services has identified a 40-acre drain that crosses the western side of this property from Eastland Avenue on the north to McEwen Avenue on the south. The preliminary SP shows disturbance of the required stream buffer area in phases 1, 3, 4, 5, and 6. Phase 1 buffer disturbance includes water quality proposed within both sides of the bank of the stream/conveyance. Phases 3-6 show the buffer disturbed by grading and proposed surface parking lots.

While the applicant has contested the finding that this waterway and associated ditch is actually a stream/40-acre drain, Planning Staff had concerns about the disturbance of the buffer area, and worked with Stormwater to find a way for the applicant to resolve these questions and address the findings prior to proceeding beyond preliminary SP stage. Stormwater has agreed to approval of this preliminary SP plan if the following condition is made a part of the Commission's approval:

Prior to *application* for final SP site plan approval of *any* phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream **and** be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing **may require significant changes to the SP as it is currently proposed** - including the removal of grading/water quality/surface parking from within the buffer area.

Potentially historic property -Though it does not appear on the Planning Department's historic properties map, the Historical Commission has indicated that the structure at 1818 Eastland Avenue may be historically significant. Prior to third reading at Metro Council, the applicant shall provide opportunity for the Metro Historical Commission to determine if the structure at 1818 Eastland Avenue should be preserved. With the submittal of the phase 2 final site plan, the applicant shall provide a report from the MHC regarding steps to be taken in maintaining, relocating, or documenting the historic structure. If determined that the structure must be relocated, the MHC shall identify the responsible party for relocating the structure and relocation site. In addition, no demolition of the structure at 1818 Eastland Avenue shall occur prior to phase 2 final site plan approval.

Other phasing issues -The plans show building #2 as a part of phase 1, and this is a condition of approval. Prior to approval of any other phase's final SP site plan, building # 2 must be under active construction.

Planning staff also recommends that the road extension/improvement of North 18<sup>th</sup> Street be constructed, or bonded, prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.

**RECENT REZONINGS** - None.

#### **PUBLIC WORKS RECOMMENDATION**

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.
2. Prior to the preparation of construction plans, document adequate sight distance at project access locations. Indicate the amount of sight distance at the project entrances and if adequate site distance per AASHTO for the posted speed limit is provided.
3. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.
4. Identify mail service plan / kiosk location.
5. Show and dimension right of way along Eastland Avenue. Label and dedicate right of way 30 feet from centerline. 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).

6. Dimension / label existing and proposed pavement along Eastland Avenue, N. 18th Street, McEwen Avenue, Alley No. 751. Label and dimension existing right of way. Dimension right of way from roadway centerline.
7. Construct N. 18th Street per Standard Drawing ST-252. Construct alley #751 per Standard Drawing ST-263.
8. Label existing bicycle lanes on Eastland Avenue.
9. Narrowing of Eastland Avenue with the use of "bulb-outs" will not be permitted. Proposed on-street parking to maintain existing street width and to be 8' wide. No parking within 30' of pedestrian crossings. If on-street parking is used to meet the required minimum parking, show one handicap space per block face.
10. Show striping plan for Eastland Avenue and N. 18th Street.
11. Per the recommendations of the TIS, provide one entering and two exiting lanes from the site onto Eastland Avenue.
12. Per the findings of the TIS, left turn lanes on Eastland Avenue at the site access/Chapel Avenue are warranted. Construct an eastbound and westbound left turn lane on Eastland Avenue at Chapel Avenue/site access with 75 feet of storage and transitions per AASHTO/MUTCD standards.
13. Modify bike lanes and signage on Eastland Avenue to accommodate the left turn lane construction.

**STORMWATER RECOMMENDATION** - There is a 40-acre drain buffer disturbance. Prior to application for final SP site plan approval of any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream and be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.

#### **METRO SCHOOL BOARD REPORT**

**Projected student generation**     18 Elementary 17 Middle     13 High

**Schools Over/Under Capacity** - Students would attend Ross Elementary School, Bailey Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

#### **CONDITIONS**

1. Prior to third reading at Metro Council, the applicant must provide a separate, concept landscaping plan to the Planning Department, to be approved by Planning staff. Phases must be identified on this plan.
2. Prior to third reading at Metro Council, the applicant shall provide opportunity for the Metro Historical Commission to determine if the structure at 1818 Eastland Avenue should be preserved.
  - With the submittal of the phase 2 final site plan, the applicant shall provide a report from the MHC regarding steps to be taken in maintaining, relocating, or documenting the historic structure. If determined that the structure must be relocated, the MHC shall identify the responsible party for relocating the structure and relocation site.
  - No demolition of the structure at 1818 Eastland Avenue shall occur prior to phase 2 final site plan approval.
3. Prior to the application for any phase of a final SP site plan, the SP plan shall include the appropriate stream buffer, and be labeled and dimensioned explicitly on the plans.
4. Prior to application for final SP site plan approval for any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the onsite stream and be approved for a variance from the Stormwater Management Committee for the proposed buffer disturbance. The outcome of the the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.
5. Prior to the application of any final SP site plan, the applicant must provide an updated water availability letter (from Metro Water Services).
6. The right-of-way to be reserved along Eastland Avenue must be to the collector street dimension (60' of total right-of-way).

7. Building #2 is required as a part of phase 1 of this SP. Prior to approval of any other phase's final SP site plan, building # 2 must be under active construction.
8. Prior to approval of the final SP site plan for phase 1, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as a crosswalk from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).
9. Prior to approval of the final SP site plan for phase 2, the following issues must be adequately addressed/resolved in a complete re-design of phase 5 of the SP, to be administratively approved by Planning staff:
  - Rear alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a parking lot area for the townhomes, but this layout may change with the re-design.
  - The two townhome buildings in phase 5 must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the parking area.
  - In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
  - Prior to final development SP for phase 2, an enhanced pedestrian or vehicular connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.
10. Prior to final SP site plan approval for phase 2, a finalized parking plan that optimizes pedestrian movement must be submitted and approved by the Planning Department.
11. The extension of North 18<sup>th</sup> Street must be bonded prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.
12. All Public Works design standards for public right of way shall be met prior to any final approvals and permit issuance. Any approval within right of way is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
13. Building footprints are conceptual. Actual building footprints shall be approved at final SP stage and shall be consistent with the urban design parameters and intent of the adopted SP.
14. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
15. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the **MUN** zoning district, which must be shown on the plan.

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

Councilmember Jameson stated he held a community meeting regarding this proposal. He mentioned that the constituents affected by this proposal voted on and approved, additional conditions that they would like to see included in the proposal. The conditions require connectivity of the development be located on 18<sup>th</sup> Avenue and that McEwen Avenue be designated as pedestrian access only. He stated that the overall density of the proposal was a concern, but after taking a vote, the constituents were in favor of the number of units included in the development. In summary, he stated there was an overall approval for the development.

Ms. Michelle Flynn 1904 Fatherland Street, spoke in opposition to the proposal.

Mr. Dan Heller, 1411 McGavock Pike, spoke in favor of the proposal.

Mr. Ray Stewart, 415 Avondale Drive spoke in general regarding the proposal.

Mr. Scott Frasier-Masgill, 419 Lakehurst, expressed issues with the proposal, however he stated he was in favor of the proposal.



A resident of 1807 Ordway Place, expressed issues with the proposal, however stated she was in favor of the proposal.

Mr. Paul Reeves, a resident of Lakehurst, expressed issues with the proposal.

Mr. Richie Buchanan, 530 Skyview Drive, spoke in favor of the proposal.

A resident of 1809 Lakehurst Drive, spoke in opposition to the proposal.

Ms. Lindsay Fairbanks, 1209 Holly Street, spoke in favor of the proposal.

A resident of 1818 Ordway Place expressed concerns regarding the proposal.

Mr. Kevin Gangaware, 6040 Bresslyn Road, spoke in favor of the proposal.

Mr. Frank Holton, 1602 Eastland Avenue, spoke in favor of the proposal.

Mr. March Egerton, 4216 Brush Hill Road, spoke in favor of the proposal.

Mr. Gary Wolf, Lakehurst Drive, spoke in opposition to the proposal.

Ms. Jennifer Cook, 415 Bushnell Street, spoke in opposition to the proposal.

Mr. Gregg Boling 405 N. 15<sup>th</sup> Street, spoke in favor of the proposal.

Mr. Loring spoke in favor of the plan. He acknowledged the issues mentioned by the constituents, which were traffic and density. He stated the proposal would improve business for the area.

Ms. Jones said the proposal was a zone change and there was much more work before its completion. She stated that many of the issues could be addressed prior to its completion. She stated she was in favor of approving the request.

Ms. Nielson agreed that the request was a zone change and that the plan, at this time, was conceptual. She also acknowledged that the added conditions mentioned by the Councilmember would help control the development.

Ms. Cummings agreed that the request was appropriate for the area.

Mr. Clifton acknowledged the location of the parcel and the proposed development. He spoke in favor of mixed-use development. He favored the request.

Mr. Tyler acknowledged the level of density for this particular site. He requested additional information on the number of lots that could be developed on this parcel with a regular zone change and the possibilities with the SP zoning.

Mr. Bernhardt explained that with the specific plan requested, the Commission would actually be adopting a particular plan for the area and, if the added conditions suggested by the Councilmember and the constituents were included in the plan, many of the areas of concern expressed by some of the residents would be addressed. The additional conditions would prohibit vehicular access to McEwen Road, making it a pedestrian access only, and the condition to add an access on to 18<sup>th</sup> Avenue, would eliminate the vehicular impact on Avondale, Lakehurst, Bushnell, or McEwen.

Mr. Ponder stated the overall plan looked good. He questioned the number of single family and multi-family units that were included in the plan and whether it was a good ratio for the proposal.

Mr. Bernhardt explained this concept to the Commission.

Mr. Ponder requested additional information on some of the details included in the plan. He commended the Councilmember for his work with the community and the developer. He suggested that a three or four way stop be reviewed in order to assist with traffic concerns.

Mr. Bernhardt explained that a traffic impact study was completed and it was conditioned that the developer would install a traffic signal at Chapel and Eastland, if warranted.

Mr. Loring questioned the possibility of an existing building being considered historic and how it would be handled if the proposal moves forward.

Mr. Bernhardt explained that this information would be provided to Council prior to third reading and it would be addressed before its approval.

Mr. Clifton questioned staff on whether the connectivity issue pertaining to 18<sup>th</sup> Avenue was adequate.

Mr. Bernhardt explained that the added condition of the Councilmember would move the connection to the development to 18<sup>th</sup> Avenue which would assist in filtering the traffic throughout the area.

Mr. Ponder moved, and Ms. Jones seconded the motion, which passed unanimously to approve Specific Plan 2005SP-170U-05 with the added conditions noted by the staff as well as the conditions suggested by Councilmember Jameson. (8-0)

**Resolution No. RS2006-157**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-170U-05 is **APPROVED WITH PLANNING STAFF CONDITIONS (8-0)**, as well as the conditions of the Councilmember, including that no vehicular access shall be allowed to McEwen Avenue, and that an additional, internal vehicular connection shall be included in the plan, between the main parking area and the parking area that accesses North 18<sup>th</sup> Street.

**The proposed SP site plan is consistent with the East Nashville Community Plan’s Neighborhood Center and Neighborhood General policies. Neighborhood Center is intended for a mixture of land uses that provide a variety of opportunities for the immediate area. Neighborhood General is intended for a mixture of housing opportunities.”**

5. **2006Z-037G-04**  
Map 051-00, Parcel 057, 058  
Subarea 4 (1998)  
District 4 - Michael Craddock

A request to change from RM9 to OR40 district property located at Cheron Road (unnumbered), approximately 575 feet west of Briarville Road (5.33 acres), requested by Littlejohn Engineering Associates, applicant, for Peak Returns Ltd., owner.

**STAFF RECOMMENDATION - Approve with the approval of the associated subarea plan amendment. Disapprove if the subarea plan amendment is disapproved.**

**APPLICANT REQUEST** - Request to change 5.33 acres from residential multi-family zoning (RM9) to office/residential zoning (OR40) district property located at Cheron Road (unnumbered), approximately 575 feet west of Briarville Road.

**Existing Zoning**

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

**Proposed Zoning**

OR40 district - OR40 is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

**SUBAREA 4 PLAN POLICY**

*Existing policies*

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. This policy covers the majority of the two properties that are requested for rezoning.

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

*Proposed policy amendment*

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

**Policy Conflict** - The proposed OR40 zoning is consistent with the proposed Office Concentration policy on this site, as it allows office uses as well as residential development up to 40 units per acre.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** -Traffic Impact Study will be required.

**Typical Uses in Existing Zoning District: RM9**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.33	9	48	344	29	33

**Typical Uses in Proposed Zoning District: OR40**

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.33	0.184	42,720	693	95	127

**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
--	5.33			261	54	86

**Maximum Uses in Existing Zoning District:RM9**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	5.33	9	48	344	29	33

\*Assumes all 1.52 acres is R6

**Maximum Uses in Proposed Zoning District: OR40**

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.33	1.0	232,175	2,551	368	339

**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
--				2,207	339	306

**METRO SCHOOL BOARD REPORT**

Projected student generation     22 Elementary     15 Middle     16 High

**Schools Over/Under Capacity** -Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood 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 February 2006.

Approve with the approval of the associated subarea plan amendment. Disapprove if the subarea plan amendment is disapproved, **(8-0) Consent Agenda**

**Resolution No. RS2006-158**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-037G-04 is **APPROVED. (8-0)**

**The proposed OR40 district is consistent with the Subarea 4’s Office Concentration policy, which is intended for office development.”**

**6. 2006Z-064T**

Council Number - BL2006-1044

A council bill to amend Section 17.04.060 "Definitions of General Terms" and Section 17.08.030 "District Land Use Tables" of the Zoning Code by creating a new land use called "After Hours Establishment" to be permitted by right in the CL, CS, CF, CC, IWD, IR, and IG districts, sponsored by Councilmember-at-Large Adam Dread.

**STAFF RECOMMENDATION - Disapprove unless amendments (per the conditions below) are made to the final bill.**

**APPLICANT REQUEST** -A Council bill to amend Section 17.04.060.B. of Title 17 of the Metropolitan Zoning Code, “Definitions of general terms” to add a new definition “After hours establishment.”

Amend Section 17.08.030, “District Land Use Tables” by adding, under “Commercial uses,” the use “After hours establishment” as permitted (P) in the CL, CS, CF, CC, IWD, IR and IG districts.

**BACKGROUND** -Currently in Nashville/Davidson County, businesses with a bar and nightclub permit may not serve liquor between 3 a.m. and noon on Sunday and between 3 a.m. and 6 a.m. all other days of the week. They may remain open, but they cannot serve alcoholic beverages. Meanwhile, adult entertainment establishments, which must have a “dance hall” permit must close at 3 a.m.

Recently, adult entertainment establishments have been seeking bar and nightclub permits to be allowed to remain open after 3 a.m. With the bar and nightclub permit, adult entertainment establishments may stay open after 3 a.m., with their dancers clothed and patrons allowed to bring in their own alcoholic beverages.

This was not the intended use of bar and nightclub permits. By using bar and nightclub permits in this fashion, after hours establishments exist today without appropriate regulation or the means for Metro Nashville Police Department (MNPD) or Metro Codes to address health, safety and general welfare concerns.

MNPD approached Councilmember Dread and proposed this ordinance to define these after hours establishments and establish in which zoning districts they will be allowed.

A companion bill (BL2006-1016), amends Chapter 6.12 of Title 6 of the Metropolitan Code of Laws (Business Licenses and Regulations, Dances and Dancehalls) to establish after hours establishments as a use, and create a permitting process for them with regulations to address the healthy safety and welfare concerns. This bill will not be heard by Metro Planning Commission.

**PROPOSED CHANGES**

**Definition “After hours establishment”**

The bill defines “After hours establishments” as:

*“After hours establishment” means a commercial establishment open to the general public after the hour of three o’clock (3:00) a.m. that allows patrons to bring alcoholic beverages onto the premises (BYOB).*

Councilmember Dread asked Metro Legal Department to review the companion bill, which includes the same definition. In a memo dated April 18, 2006, Metro Legal recommended a change to the definition of “After hours establishments.” Councilmember Dread has indicated that he will be amending both bills to incorporate the new definition:

*“After hours establishment” means a commercial establishment, which is not intended for long-term or short-term residential use by its patrons, which is open to the general public (with or without an admission fee), and knowingly allows its patrons to bring beer or alcoholic beverages onto the premises (BYOB or brown-bagging) between the hours of three o’clock (3:00) a.m. and six o’clock (6:00) a.m.*

**Zoning Districts Where “After hours establishments” Would Be Permitted**

BL2006-1044 would allow “After hours establishments” as a permitted (P) use in the following zoning districts: CL, CS, CF, CC, IWD, IR, and IG.

As a point of comparison, the current use “bar and nightclub” is allowed as permitted (P) use in CL, CS, CF, and CC, but is not permitted in IWD, IR or IG.

Meanwhile, adult entertainment establishments are only allowed within the adult entertainment overlay.

**ANALYSIS** -Metro Planning staff supports the definition of “After hours establishment” offered by Metro Legal Department and recommends that as a condition of approval, the bill should be amended to include the new definition.

Metro Planning staff recommends as a condition of approval, that the zoning districts in which “After hours establishments” would be permitted be limited to CF and CC, prohibiting “After hours establishments” in CL, CS, IWD, IR and IG zoning districts.

The bulk of Downtown Nashville is zoned Commercial Core (CC) with Core Frame (CF) zoning in a ring around the CC. These zoning districts also roughly overlap with the Adult Entertainment Overlay, where adult entertainment establishments are today using bar and nightclub permits to stay open after hours.

Metro Planning staff recommends **against** permitting “After hours establishments” in Commercial Limited (CL) or Commercial Service (CS) zoning districts, because these zoning districts are often located near zoning districts that allow residential development.

Metro Planning staff also recommends **against** permitting “After hours establishments” in Industrial Warehousing/Distribution (IWD), Industrial Restrictive (IR) or Industrial General (IG) zoning districts. These zoning districts do not currently permit bar and nightclub uses. Furthermore, Industrial zoning districts, when developed, are often more remote and have human activity that is limited to discrete shifts of work. Arguably, illegal activity is more likely to occur unnoticed without a more consistent presence of people.

For these reasons, introducing a late-night, non-industrial use in Industrial zoning districts would be ill-advised.

**Application of Licensing Standards** - Metro Planning staff was concerned that, by limiting the types of zoning districts in which after hours establishments were permitted, that the licensing regulations (in the companion bill) would not be applied to pre-existing after hours establishments in zoning districts not addressed in the ordinance.

When asked, Metro Legal noted that pre-existing after hours establishments in zoning districts where they are not permitted would likely be deemed a legally nonconforming use. Applying the licensing standards to pre-existing after hours establishments could be challenged in court and would be decided on the facts of the individual case. Metro Legal also noted, however, that if licensing requirements are based on harmful secondary effects and are put in place because of health and safety concerns, then they feel confident that licensing requirements could reasonably be applied to all establishments, regardless of whether the structure was legally non-conforming.

**STAFF RECOMMENDATION** - Staff recommends disapproval of 2006Z-064T unless the following conditions are met:

1. That the definition of “After hours establishments” be amended per the definition proposed by Metro Legal Department, and
2. That the zoning districts where “After hours establishments” would be permitted be amended to remove CL, CS, IWD, IR and IG. As amended, “After hours establishments” would be permitted **only** in CF and CC zoning districts. If the bill were amended to remove zoning districts CL and CS, but retain IWD, IR and IG, Metro Planning staff’s recommendation would remain disapproval.

With these amendments, the ordinance will allow “After hours establishments” to be permitted largely where adult entertainment businesses are allowed today – away from residential neighborhoods and in areas that are highly trafficked and thus will have more “eyes on the street” to encourage businesses that obey the newly-established regulations.

Ms. Carlat stated that staff is recommending disapproval unless amendments (per the staff conditions) were made to the final bill.

Councilmember Crafton spoke in favor of the added staff conditions.

Captain Andy Garrett, MNP, spoke in favor of the bill with the added staff conditions.

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to approve Text Amendment 2006Z-064T with the added conditions that the definition of "After hours establishments" be amended per the definition proposed by Metro Legal and the zoning districts where "after hours establishments" would be permitted **only** in CF and CC zoning districts.

**Resolution No. RS2006-159**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006Z-064T is ~~APPROVED, WITH STAFF RECOMMENDED AMENDMENTS~~ **DISAPPROVE UNLESS AMENDMENTS (PER THE CONDITIONS BELOW) ARE MADE TO THE FINAL BILL.** Amended at 7/13/06 MPC Meeting

**Conditions of Approval:**

1. That the definition of "After hours establishments" be amended per the definition proposed by Metro Legal Department, and
2. That the zoning districts where "After hours establishments" would be permitted be amended to remove CL, CS, IWD, IR and IG. As amended, "After hours establishments" would be permitted **only** in CF and CC zoning districts. If the bill were amended to remove zoning districts CL and CS, but retain IWD, IR and IG, Metro Planning staff's recommendation would remain disapproval."

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The Commission recessed at 5:30 p.m.

The Commission resumed at 5:40 p.m.

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7. **2006Z-067G-06**  
Map 126-00, Parcel 085  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to change from AR2a to RM4 zoning property located at 7874 McCrory Lane, approximately 1,850 feet south of Highway 70 (36.2 acres), requested by John G. Jones, owner.

**STAFF RECOMMENDATION - Approve**

**APPLICANT REQUEST** - A request to rezone approximately 36.2 acres from agricultural and residential (AR2a) to single-family, duplex and multi-family (RM4) district, property located at 7874 McCrory Lane.

**Existing Zoning**

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

**Proposed Zoning**

RM4 district - RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

**BELLEVUE COMMUNITY PLAN POLICIES**

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

**Policy Conflict** - No. The proposed RM4 district is consistent with the Bellevue Community Plan’s RLM policy. This is a unique site because it is separated from the other single-family developments in the area by the Harpeth River on the south side of the site and an old quarry on the north side of the site. Because the site is on the Harpeth River, any development will be required to limit disturbance to the flood plain and will likely be clustered. A greenway easement will also be required with development of the site. Due to the site’s location and site specific constraints, the density allowed with the RM4 district is appropriate.

**Staff Recommendation** - Because the request is consistent with the areas RLM policy, staff recommends approval.

**RECENT REZONINGS** - Yes. Various properties on the south side of the Harpeth River along McCrory lane were rezoned to RS10 recently.

**PUBLIC WORKS RECOMMENDATION** - A TIS may be required at development.

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	36.20	0.5	18	215	23	23

**Maximum Uses in Proposed Zoning District: RM4**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	36.20	4	145	881	70	82

**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
--			+127	666	47	59

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     9 Elementary     7 Middle     7 High

**Schools Over/Under Capacity** - Students would attend Gower Elementary School, Hill Middle School, or Hillwood High School. Hill Middle School has been identified as over capacity by the Metro School Board, but there is capacity within the cluster. This information is based upon data from the school board last updated February 2006.

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

Mr. Thomas Dowling, 8457 Highway 70, spoke regarding the proposal.

Mr. John Jones, owner, spoke in favor of the proposal.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Zone Change 2006Z-067G-06. **(8-0)**

**Resolution No. RS2006-160**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-067G-06 is **APPROVED. (8-0)**

**The requested RM4 district is consistent with the Bellevue Community Plan’s Residential Low Medium policy, which is for residential development with a density range between two and four dwelling units per acre.”**

8. **2006Z-069G-12**  
Map 174-00, Parcel 091, 194  
Subarea 12 (2004)  
District 32 - Sam Coleman

A request to change from AR2a to RS15 zoning property located at 5738 Cane Ridge Road and Cane Ridge Road (unnumbered), approximately 325 feet south of Blairfield Drive (19.27 acres), requested by Dale & Associates, applicant, for James R. Kieffer, Robert L. Kieffer, and Houston E. Hill, owners.

**STAFF RECOMMENDATION - Approve**

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

Councilmember Coleman spoke in opposition to this zone change request. He stated he has not had a community meeting for this proposal nor does the proposal have a planned unit development that would explain what is included in the proposal. He spoke of the infrastructure deficiency in the area as well as the overcrowded schools and traffic concerns. He requested that this proposal be disapproved.

Mr. Roy Dale, applicant, requested that this zone change be deferred indefinitely.

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously, to defer indefinitely, Zone Change 2006Z-069G-12. **(8-0)**

**Resolution No. RS2006-161**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-069G-12 is **DEFERRED INDEFINITELY.**  
**(8-0)**”

9. **2006SP-072G-13**  
Bella Prato Specific Plan  
Map 175-00 Parcels 064, 065, 102, Part Of 76  
Subarea 13 (2003)  
District 32 - Sam Coleman

A request to change from AR2a to SP zoning property located at Route 2 Maxwell Road, Maxwell Road (unnumbered), and 4154 Murfreesboro Pike, located approximately 630 feet east of LaVergne-Couchville Pike, (44.79 acres) to permit 110 single-family homes and 155 townhouses for a total of 265 dwelling units, requested by MEC Inc., applicant, for Michael L. Leon, and Salvatore Oliveri et ux, owners.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST-** A request to change 44.79 acres from agricultural and residential (AR2a) to Specific Plan (SP) zoning, located at Route 2 Maxwell Road, Maxwell Road (unnumbered), and 4154 Murfreesboro Pike, located approximately 630 feet west of LaVergne-Couchville Pike, to permit 110 single-family homes and 155 townhouses for a total of 265 dwellings.

**Existing Zoning**

AR2a district - Agricultural/residential requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan. Under the existing zoning, a maximum of 22 lots would be permitted.

**Proposed Zoning**

SP district (preliminary) - 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 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.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY**

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

**Policy Conflict** No. The proposed SP district, is consistent with the Neighborhood General policy. The plan provides a mixture of housing types including 110 single-family homes and 155 townhouse homes with a total of 5.91 dwelling units per acre.

*Plan Details* -The proposed plan includes attached units with rear access alleys surrounded by several areas of Open Space. The plan provides approximately 22% Open Space. Since this site contains several environmentally sensitive areas with sinkholes, the developed portion of the plan was designed around these areas. The plan also provides several public street connections to the surrounding properties.

*Sinkholes/Variance (Sect.2-6.2.1)* - Although there are several sinkholes on this site, the plan designates these areas as Open Space. Due to the location of one of the sinkholes, staff is requiring a sinkhole study to be completed by a registered engineer prior to Final Site Plan approval. The number of lots and units may be reduced if the sinkholes are larger than what is identified on the Preliminary SP plan. Staff recommends that a “Sinkhole Investigation” report needs to be prepared by a Registered Engineer prior to final SP site plan approval.

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

**FIRE MARSHAL**

1. Fire hydrants should flow a minimum of 500 GPM’s at 30-35 psi residual flow at the most remote hydrant. Depending upon side set backs, construction type and the square footage of the building water demands may be greater. Multi Family dwellings generally require 1250 GPM’s.
2. Buildings over 3 Stories or 50 ft in height above grade and containing intermediate stories or balconies shall be equipped with a standpipe system installed in accordance with provisions of NFPA 1, 7-2, and NFPA 14.
3. Turning radius for roadways shall be 25 ft in and 50 ft out.

**PUBLIC WORKS RECOMMENDATION**

1. Show professional seal.
2. 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. All street cross sections, geometry, and roadway improvements shall be approved by the Department of Public Works, and shall support the projected traffic volumes and on street parking. Final design and improvements may vary based on field conditions.
3. Document adequate sight distance at project access points, per AASHTO design standards for posted speed limit prior to submitting construction plans.
4. Show parking table. Identify proposed parking (garage / on-street, etc.?).
5. No direct access to roundabout.
6. At Townhouse development south of Maxwell Road, show minimum roadway section per ST-252. Identify parking.

7. The statement "Visibility Triangle provision of Section 17.20.180 is not required" is not acceptable. In order to safely accommodate vehicular movements to and from public streets, the sight distance and visibility provisions shall be required.
8. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.
9. Identify sinkholes. If the placement of fill material into sinkholes/depressions is required, the applicant must comply with the rules, regulations, and specifications of this department and other governmental agencies.

**Traffic**

1. Per the recommendations of the TIS, construct an eastbound right turn lane on Old Hickory Boulevard at Maxwell Road with 100 ft of storage and transitions per AASHTO standards.
2. Per the recommendations of the TIS, all access roads onto Maxwell Road shall be constructed with one entering and two exiting lanes (LT and RT) each with 100 ft of storage and transitions per AASHTO/MUTCD standards.
3. Per the recommendations of the TIS, sight distance limitations at the eastern most access road onto Maxwell Road shall be corrected by the developer at the time of development.

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

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	44.79	0.5	22	259	25	28

**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()	44.79	n/a	187	1,093	86	101

\*number of units proposed in SP

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

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)	44.79	n/a	114	1173	90	121

\*number of lots proposed in SP

**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
--			+279	914	65	93

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

**STORMWATER RECOMMENDATION** - A 40 acre drain traverses the property. Delineate showing drainage area is less than 40 acres or provide buffer (or appeal to disturb buffer). Add buffer note to plans: "The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 – Regulations."

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     37 Elementary     33 Middle     29 High

**Schools Over/Under Capacity** - Students would attend Mt. View Elementary School, Antioch Middle School, and Antioch High School. All schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

**Fiscal Liability** - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other elementary schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$481,000 for additional school capacity in this cluster. This estimate is based on maintaining current school zone boundaries.

#### **CONDITIONS**

1. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to final SP development plan approval, or final plat approval, as applicable.
2. Any approval within public right of way is subject to Public Works' approval of the construction plans. All public street cross sections, geometry, and roadway improvements shall be approved by the Department of Public Works, and shall support the projected traffic volumes and on street parking. Final design and improvements may vary based on field conditions.
3. Prior to final site plan approval, the plan must document adequate sight distance at project access points, per AASHTO design standards for posted speed limit. This must be included on the final site plan and construction plans.
4. The Final Site Plan must show parking table and must identify all proposed parking locations (garage /on-street, etc.).
5. There shall be no direct vehicular access to roundabout from the surrounding units/lots.
6. In order to safely accommodate vehicular movements to and from public streets, the sight distance and visibility provisions of the Zoning Code shall be required.
7. Provide plans for solid waste collection and disposal on any final site plan. The plan must be approved by the Public Works Solid Waste Division.
8. Identify sinkholes on any final site plan. If the placement of fill material into sinkholes/depressions is required, the applicant must comply with the rules, regulations, and specifications of the Public Works Department and other governmental agencies.
9. Per the recommendations of the TIS, construct an eastbound right turn lane on Old Hickory Boulevard at Maxwell Road with 100 ft of storage and transitions per AASHTO standards.
10. Per the recommendations of the TIS, all access roads onto Maxwell Road shall be constructed with one entering and two exiting lanes (LT and RT) each with 100 ft of storage and transitions per AASHTO/MUTCD standards.
11. Per the recommendations of the TIS, sight distance limitations at the easternmost access road onto Maxwell Road shall be corrected by the developer at the time of development.
12. Prior to final site plan approval by the Planning Commission, the Tennessee Department of Environment and Conservation, or applicable agency, shall provide, in writing, the approval for development of the site and any necessary mitigation measures for potential endangered species.
13. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
14. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district, which must be shown on the plan.

15. All Fire Marshal requirements must be met prior to Final Site Plan approval. 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.
16. A sinkhole study/geotechnical study is to be completed by a Registered Engineer prior to Final Site Plan approval. The report should specifically address the low area near the main road and roundabout and provide recommendations for structural fills, grading, bearing capacities, etc. This report must be submitted prior to or in conjunction with the submittal of the final SP site plan. Should the geotechnical report indicate that the sinkholes are larger than identified on the preliminary SP district plan, the number of units and layout of the roads may be reduced and relocated.

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

Mr. Tom White, 36 Old Club Court, spoke in favor of the proposal.

Ms. Donna Crawford, Maxwell Road, spoke in opposition to the proposal. She submitted a copy of a letter to the commission.

Councilmember Coleman submitted 60 petitions of opposition to the Commission for the record. He also stated that there has not been a community meeting to discuss this proposal. He reiterated his position on the infrastructure deficiency and the over-crowded schools in his district. He further explained problems of density and traffic for the area. He requested that this item be deferred until the community has had a chance to meet with the developer on this proposal.

Mr. Ponder stated that the development meets all of the standards and requirements necessary and it would be difficult to disapprove. He acknowledged the concerns expressed by the Councilmember.

Mr. Tyler stated that the proposed plan was good. He also spoke of the overcrowded schools, traffic and infrastructure deficiency that is in this district.

Mr. Clifton stated that the role of the Commission is to determine how the plan measures up to the subarea plan and regretfully, he feels that it should be approved.

Ms. Cummings acknowledged the petitions submitted by the Councilmember and that he was there to represent his constituents. She spoke of the crisis in Antioch with the over-crowded schools, traffic and deficient infrastructure. However, she stated that as planners, the plan makes sense and it would probably be approved, but she wanted to go on record as stating that she thinks the plan is too much for the area.

Ms. Nielson stated it is a good plan however the infrastructure is not there. She stated that as planners, there are rules that need to be followed.

Ms. Jones acknowledged the issues mentioned regarding the schools in the Antioch area. She questioned whether a re-alignment would take place in the future. She then spoke of the process and how this zone change evolved to reach the Commission for approval. She stated that the plan has been recommended for approval by staff, and as a Commissioner, it would warrant this approval.

Mr. Loring stated the plan was a great plan. He commended the Councilmember for his work in his district. He stated that the plan has been presented in a manner that would make it difficult to disapprove.

Mr. Ponder moved and Ms. Jones seconded the motion, which passed unanimously to approve Specific Plan 2006SP-072G-13 with conditions. **(8-0)**

**Resolution No. RS2006-162**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-072G-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to final SP development plan approval, or final plat approval, as applicable.

2. Any approval within public right of way is subject to Public Works' approval of the construction plans. All public street cross sections, geometry, and roadway improvements shall be approved by the Department of Public Works, and shall support the projected traffic volumes and on street parking. Final design and improvements may vary based on field conditions.
3. Prior to final site plan approval, the plan must document adequate sight distance at project access points, per AASHTO design standards for posted speed limit. This must be included on the final site plan and construction plans.
4. The Final Site Plan must show parking table and must identify all proposed parking locations (garage /on-street, etc.).
5. There shall be no direct vehicular access to roundabout from the surrounding units/lots.
6. In order to safely accommodate vehicular movements to and from public streets, the sight distance and visibility provisions of the Zoning Code shall be required.
7. Provide plans for solid waste collection and disposal on any final site plan. The plan must be approved by the Public Works Solid Waste Division.
8. Identify sinkholes on any final site plan. If the placement of fill material into sinkholes/depressions is required, the applicant must comply with the rules, regulations, and specifications of the Public Works Department and other governmental agencies.
9. Per the recommendations of the TIS, construct an eastbound right turn lane on Old Hickory Boulevard at Maxwell Road with 100 ft of storage and transitions per AASHTO standards.
10. Per the recommendations of the TIS, all access roads onto Maxwell Road shall be constructed with one entering and two exiting lanes (LT and RT) each with 100 ft of storage and transitions per AASHTO/MUTCD standards.
11. Per the recommendations of the TIS, sight distance limitations at the easternmost access road onto Maxwell Road shall be corrected by the developer at the time of development.
12. Prior to final site plan approval by the Planning Commission, the Tennessee Department of Environment and Conservation, or applicable agency, shall provide, in writing, the approval for development of the site and any necessary mitigation measures for potential endangered species.
13. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
14. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district, which must be shown on the plan.
15. All Fire Marshal requirements must be met prior to Final Site Plan approval. 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.
16. A sinkhole study/geotechnical study is to be completed by a Registered Engineer prior to Final Site Plan approval. The report should specifically address the low area near the main road and roundabout and provide recommendations for structural fills, grading, bearing capacities, etc. This report must be submitted prior to or in conjunction with the submittal of the final SP site plan. Should the geotechnical report indicate that the sinkholes are larger than identified on the preliminary SP district plan, the number of units and layout of the roads may be reduced and relocated.

**The proposed SP site plan is consistent with the Antioch – Priest Lake Community Plan’s Neighborhood General policy, which is intended for a variety of residential opportunities.”**

10. **2006Z-074U-12**  
 Map 133-15, Parcel 106  
 Subarea 12 (2004)  
 District 26 - Greg Adkins

A request to change from RM20 to OR20 zoning property located at 326 Travis Drive, at the northeast corner of Welch Road and Travis Drive, (1.1 acres) requested by Tune, Entrekin and White, applicant, for BellSouth, owner.

**STAFF RECOMMENDTION - Approve**

**APPLICANT REQUEST** - Request to change 1.1 acres from residential multi-family zoning (RM20) to office/residential zoning (OR20) district property located at 326 Travis Drive, on the north side of Welch Road.

**Existing Zoning**

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**Proposed Zoning**

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

**SOUTHEAST COMMUNITY PLAN POLICY**

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

**Policy Conflict** - The proposed OR20 zoning is only partially consistent with the Residential Low Medium policy on this site, as it allows residential development up to 20 units per acre (similar to the existing RM20 zoning).

The Commission may recall a rezoning request on this property in June 2005 for Commercial Limited (CL) zoning. Because the range of commercial uses allowed by CL zoning directly conflicted with the RLM policy, as well as the potential negative impact of CL uses on the adjacent multifamily development to the rear of this property, the Commission disapproved the request.

The mixed office and residential uses as allowed by the OR20 district are closer to the intent of the RLM policy than the previously proposed CL zoning. There is an existing BellSouth call center currently occupying the site, which is a nonconforming use. A change to OR20 would better suit the existing development on the site, and would also provide a better transition in the zoning pattern from the commercial uses along the Nolensville Road/Harding Mall area to the adjacent residential area (and zoning pattern) nearby to the east.

**RECENT REZONINGS** - The Planning Commission unanimously disapproved the request for CL zoning on this property at the June 23, 2005, Planning Commission meeting.

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

**Maximum Uses in Existing Zoning District: RM20**

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	1.1	20	22	178	16	18

**Maximum Uses in Proposed Zoning District: OR20**

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome(230)	1.1	20	22	178	16	18

**Change in Traffic Between Maximum uses in Existing and Proposed Zoning District**

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation    4 Elementary    2 Middle    1 High**

**Schools Over/Under Capacity** - Students would attend Paragon Mills Elementary School, Wright Middle School, or Glenclyff 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 February 2006.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2006-163**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-074U-12 is **APPROVED. (8-0)**

**While the proposed OR20 district is only partially consistent with the intent of the Southeast Community Plan’s Residential Low Medium policy, which is for residential development with a density range between two and four units per acre, its location makes the request appropriate.”**

11.    **2006Z-076G-12**  
Map 173-00, Parcel 079  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to change from RS10 to AR2a zoning property located east of Blake Drive between Blake Drive and Mill Creek (7.19 acres), requested by Councilmember Parker Toler, applicant, for Raymond A. Clayton et ux, owners.

**STAFF RECOMMENDTION - Approve**

**APPLICANT REQUEST** - Request to change 7.19 acres from residential single-family zoning (RS10) to agricultural/residential zoning (AR2a), on property located east of Blake Drive between Blake Drive and Mill Creek.

**Existing Zoning**

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

**Proposed Zoning**

**AR2a district** - AR2a requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

**SOUTHEAST COMMUNITY PLAN 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.

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

**Policy Conflict** -No. This property is approximately 60 percent floodway and 40 percent floodplain, as it is crossed by Mill Creek and its associated floodplain area. Only very low intensity residential development as called for by the NCO policy is appropriate on this site (the NCO is the predominant policy, with a minimal amount of RLM policy on the westernmost corner of the site). AR2a is an appropriate zoning district for implementing the intent of NCO policy of preserving floodway areas from development. The owner would like the AR2a zoning to keep a horse on the property.

**RECENT REZONINGS** - None.

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

**Maximum Uses in Existing Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	7.19	3.7	5	48	4	6

**Maximum Uses in Proposed Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	7.19	0.5	3	29	3	4

**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
--			-2	-19	-1	-2

**METRO SCHOOL BOARD REPORT**

**Projected student generation** - As this property represents a downzoning to a less intensive district, the number of students to be generated is negligible.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2006-164**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-076G-12 is **APPROVED. (8-0)**

**The proposed AR2a district is consistent with the Southeast Community Plan’s Natural Conservation, and Residential Low Medium policies. Natural Conservation policy is intended for undeveloped areas that are environmentally sensitive and unsuitable for dense development, and Residential Low Medium policy is for residential development with a density range between two and four units per acre.”**

**12. 2006Z-078U-10**

Map 130-11, Parcel Various  
 Map 130-07, Parcel Various  
 Map 130-15, Parcel Various  
 Subarea 10 (2005)  
 District 34 - Lynn Williams

A request to rezone various properties from R40 to RS40 located on Lynnwood Boulevard, Harpeth Hills Drive, Wayland Drive, Beacon Drive, Wayland Court and Hemingway Drive between Harding Place and Tyne Boulevard (131.56 acres), requested by Councilmember Lynn Williams.

**STAFF RECOMMENDTION - Approve**

**APPLICANT REQUEST** - Request to change 131.56 acres from residential single-family and duplex zoning (R40) to residential single-family (RS40) zoning, on various properties located on Lynnwood Boulevard, Harpeth Hills Drive, Wayland Drive, Beacon Drive, Wayland Court and Hemingway Drive, between Harding Place and Tyne Boulevard.

**Existing Zoning**

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

**Proposed Zoning**

**RS40 district** - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.



**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

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

**Policy Conflict - No.** The residential density as permitted within the proposed RS40 zoning district (0.93 homes/acre) is largely consistent with the range called for by the Residential Low policy (1-2 homes/acre). There are 123 properties in this request.

There are approximately 30 properties in this request that will not meet the minimum lot size of RS40 zoning (40,000 square feet minimum), but the staff notes that these lots currently do not meet the minimum lot size of R40 zoning, so the degree of nonconformity will not increase with this rezoning. Staff suggested to the Councilmember that she may want to modify the zoning application to request RS20 on the smaller lots. The Councilmember decided to keep the request for RS40 on all properties because RS40 zoning would require larger setbacks and less lot coverage (i.e. building area) than the RS20 district.

**RECENT REZONINGS - None.**

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation -** As this request to change to single family district represents a downzoning, the number of expected students to be generated is minimal.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2006-165**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-078U-10 is **APPROVED. (8-0)**

**The proposed RS40 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low policy, which is intended for residential development with a density range between one and two dwelling units per acre.”**

**XI. PRELIMINARY SUBDIVISION PLATS**

- 13. 2006S-121U-13**  
Park at Priest Lake, The  
Map 150, Parcel 017, 246  
Subarea 13 (2003)  
District 29 - Vivian Wilhoite

A request for preliminary plat approval to create 83 cluster lots on the west side of Anderson Road and the end of Louise Russell Drive, approximately 275 feet south of Woodymore Drive (30.04 acres), zoned R10 and RS10, requested by Han and Hye Kook, Phillip Stinson, owners, Dale & Associates, engineer/surveyor.

**STAFF RECOMMENDATION – Approve with conditions**

Mr. Kleinfelter announced that Councilmember Wilhoite, who arrived late to the meeting, requested that this item be deferred one meeting. He further explained that the applicant, Mr. Roy Dale, accepted the request to defer this item for one meeting, however, he wanted it noted that it was not his request.

Councilmember Wilhoite stated she received several calls of concern from constituents who would be affected by the proposal. She stated their concerns pertained to flooding and stormwater issues as well as the additional blasting that would take place in the area. She stated that she knew the property was already zoned for the development, but she wanted to hold a community meeting in order to have the issues and concerns expressed by the residents addressed by the developer.

Mr. Lawson reiterated that this deferral request was from the Councilmember and not the applicant.

Mr. Kleinfelter suggested that the Commission keep the Public Hearing open on this item until it is heard on May 25, 2006. This would eliminate the applicant having to send out a second set of notices.

Councilmember Wilhoite stated she would assist in notifying concerned constituents of this notice and also to make them aware of the community meeting she would host to review this proposal with the developer.

Mr. Bernhardt explained that it will be necessary for the Commission to act on this proposal at the May 25 commission meeting. Otherwise, it would be approved automatically due to time constraints.

Mr. Loring moved, and Mr. Clifton seconded the motion, which passed unanimously to keep the Public Hearing open and defer Preliminary Subdivision Plat 2006S-121U-13 to the May 25, 2006 meeting. **(8-0)**

**Resolution No. RS2006-166**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-121U-13 is DEFERRED to the May 25, 2006 Planning Commission meeting (8-0); no new notices are required.”**

Ms. Cummings left the meeting at 6:20 p.m.

**XII. FINAL PLATS**

- 14. 2006S-127U-10**  
Henry Compton Lands  
Map 116-12, Parcel 103  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request for final plat approval to create 3 lots at 3700 Estes Road with a sidewalk variance along Estes Road frontage, approximately 330 feet north of Elder Place (1.56 acres), zoned R20, requested by Robert S. Baldwin, owner, Campbell McRae & Assoc., surveyor.

**STAFF RECOMMENDTION - Disapprove**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create three lots located at 3700 Estes Road, including a variance from sidewalk requirements (1.56 acres) zoned R20.

**Zoning**

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

**SUBDIVISION DETAILS** - As proposed, three new lots will be created out of one parcel. The lots will have approximately the following area and frontage:

1. 22,199 sq. ft. (.51 acres), 113 ft.
2. 22,013 sq. ft. (.51 acres), 103 ft.
3. 21,883 sq. ft. (.50 acres), 102 ft.

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

The lot comparability analysis yielded a minimum lot area of 15,355 sq. ft., and a minimum lot frontage of 97.46 linear feet. Both lots pass for area and frontage.

*Sidewalks* - The request is within the Urban Services District and a sidewalk is required along the property frontage on Estes. The subdivision regulations require that the sidewalk be constructed, or that the applicants pay into the sidewalk improvement fund, or apply for a variance.

*Sidewalk Variance* - The applicants have requested a variance from Section 2-6.1 of the Subdivision Regulations that requires sidewalks. For a variance to be granted a particular physical surrounding, shape or topographical condition must exist that is unique to the property in question, and that would create a hardship, if the strict letter of the sidewalk requirement was enforced.

The property is approximately three to four feet below Estes, and would require a significant amount of fill if a sidewalk was to be constructed at the same elevation as Estes. Because of the amount of flood plain on the property, any fill along Estes is not encouraged by planning staff. If the subdivision is approved, staff recommends that a variance to the sidewalk requirement be approved.

*Environmental Issues* - A majority of the property is covered by floodway and flood plain. According to Metro GIS, the elevation of each lot is approximately 490 feet. The minimum building elevation is 497.3 feet, and will require fill for an elevated slab, or other design to bring the first floor to the required elevation.

One of the applicant's arguments for a sidewalk variance is the negative impact that any fill associated with the construction of the sidewalk could have on the flood plain. Staff agrees with this argument but also notes that any fill associated with the construction of additional homes will have the same negative impact.

*Setbacks* - Established setbacks along the east side of Estes are deep. As proposed, any new residence on lot one would be well in front of the established setbacks and would be out of character with the existing street. Staff recommends that setbacks along Estes should be consistent with existing setbacks along the east side of that road.

*Frontage/Access* - The subdivision regulations ordinarily require new lots to have frontage along a public street (Section 2-4.2.A). Private streets are allowed only in Planned Unit Developments or in areas with Natural Conservation Policy (Section 2-6.2.1.K). This request is not within a PUD or within a Natural Conservation Policy area so a variance from the required frontage along a public street is required. Even if a variance were approved by the Commission, because access is proposed along an existing private drive, the applicants must furnish documentation demonstrating that they can legally access the private drive.

The applicants were informed that a variance was needed, but no variance application has been submitted. Documentation demonstrating the ability to legally access the private drive also has not been submitted.

**Staff Recommendation** - Staff recommends that the request for three lots be disapproved due to environmental, setback, frontage, and access issues.

#### **STORMWATER RECOMMENDATION**

1. Add the standard Metro Stormwater Access Note.
2. The drainage easement for the ditch traversing lot 1, and a small portion of lot 2 should be extended. Specifically, the drainage easement should originate from the 20' PUDE on Lot 1 and terminate at the Sugartree creek drainage easement portion on lot 2.

#### **PUBLIC WORKS RECOMMENDATION**

1. Dedicate ROW along Estes Road a minimum of 25 feet from roadway centerline.
2. Construction plans for sidewalk (if required) along Estes must be approved by Public Works.
3. No access will be allowed onto Estes.

**CONDITIONS (If approved)** - Comply with Stormwater and Public Works conditions listed above.

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

Mr. Walter Hardcastle, 3704B Estes Road, spoke in opposition to the proposal and submitted a petition of opposition to the proposal.

Councilmember Crafton spoke in favor of the proposal. He stated that the proposed homes would not be located in the floodplain area. He stated that the subarea plan would allow six homes and the proposal is only requesting three homes that would actually improve the characteristics of the neighborhood. He spoke of the proposed setbacks and stated that these also would not be a detriment to the neighborhood. He mentioned the private road included in the proposal and submitted information pertaining to this road to the Commission.

Mr. David Henley, 4224 Jamesborough Place, spoke in favor of the proposal

Ms. Nielson stated she agreed with staff recommendation due to outstanding issues associated with the development.

Mr. Clifton spoke of the easement issue mentioned and whether the Commission could make a recommendation with its being included in the proposal.

Mr. Fox stated that if there was a private easement included in a development, there could not be a subdivision on it unless it were a planning development or a conservation policy.

Mr. Ponder expressed issues with the development of the homes located near a floodplain. He stated there were too many issues left uncertain and he stated he agreed with staff's recommendation.

Mr. Jones spoke of the history of this particular area. She spoke of the issues associated with the proposal and the request of an additional subdivision.

Mr. Loring spoke in favor of the proposal. He gave his explanations of approving the development. He spoke of the setbacks, floodplain, easement issue and the number of units being proposed. He stated he was in favor of approving the request.

Mr. Clifton requested additional clarification on the legal aspect of the easement issue included in the proposal.

Mr. Kleinfelter clarified that the public road frontage requires a variance and staff is recommending disapproval of this variance. The other issues associated with the proposal weigh in on this recommendation. He gave brief explanations, from the subdivision regulations, for this recommendation.

Mr. Fox stated that if this proposal was a planned unit development, the results may have been different.

Mr. Kleinfelter stated that if it were a planned unit development, the Commission would have the ability to consider the variance for the lack of public street frontage.

A brief discussion ensued among the Commissioners regarding the proposal.

Mr. Ponder moved and Ms. Nielson seconded the motion, to disapprove Preliminary Subdivision Plat 2006S-127U-10 due to environmental, setback, frontage and access issues. **(6-1) No Vote – Loring**

**Resolution No. RS2006-167**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-127U-10 is **DISAPPROVED. (6-1)**”

**15. 2006S-160U-10**

Abbott Martin Estates, Resub. Lot 1  
Map 117-13, Parcel 121  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request for final plat approval to create 2 lots on property located at 2307 Warfield Lane between Caylor Drive and Cross Creek Road (.94 acres), zoned RS20, requested by Mark J. Justad and Joanne C. Sandberg, owners, Smith Land Surveying, surveyor.

**STAFF RECOMMENDATION - Approve**

**APPLICANT REQUEST - Final Plat**

Request to create two lots from one lot on 0.94 acres, located at 2307 Warfield Lane, between Caylor Drive and Cross Creek Road (classified within the RS20 district).

**ZONING**

**RS20 district** - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

**PLAN DETAILS** - This subdivision proposes the creation of two lots from one lot within the Abbott Martin Estates subdivision, on the south side of Warfield Lane. Lot 1 is proposed for single family uses, and lot 2 is proposed for duplex or single family uses. There is a residence on the existing lot, which is to be demolished.

**Sidewalk requirement** - This property falls within the Urban Services District, and because one or two new development right(s) will be created with this subdivision, a sidewalk is required to be constructed along the frontage of either lot 1 or lot 2, both which front on Warfield Lane. Because there is no existing sidewalk along this lane, the applicant has qualified for the financial contribution to the sidewalk fund, and has included this note on the face of the plat.

**Lot comparability** - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

<b>Lot Comparability Analysis</b>		
<b>Street:</b>	<b>Requirements:</b>	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
<b>Warfield Lane</b>	29,838.6	141.8

As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 20,699 Sq. Ft., (0.47 Acres), with 85 ft. of frontage on Warfield Lane
- Lot 2: 20,699 Sq. Ft., (0.47 Acres), and 85 ft. of frontage on Warfield Lane

Both **Lots 1** and **2** fail the minimum lot area for Warfield Lane by approximately 9,139 square feet, and fail minimum lot frontage requirements by roughly 56 feet.

Exception to lot comparability - A lot comparability exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

Though both lots fail the lot comparability for Warfield Lane (the street upon which both lots will front), the proposed lots do meet **three** of the qualifying criteria of the exception to lot comparability. Specifically, the lots fall within a half mile (2,640 feet) of a Regional Activity Center (1,580 feet by way of Cross Creek Road). Secondly, the proposed subdivision falls within a quarter mile (or 1,320 feet) of an area that is designated with an Office land use policy. Thirdly, the plat restricts lot 1 to a single family home only, and lot 2 to a single family or duplex home, on 0.94 acres, or 3 units/0.94 acres ≈ 3.19 units per acre. This density clearly falls in the middle of the range of 2-4 homes/acre as called for in the Residential Low Medium land use policy on the site.

**Staff Recommendation** -Staff recommends approval of this subdivision, based on three of the qualifying criteria for the lot comparability exception.

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

**STORMWATER RECOMMENDATION** - Approved.

**CONDITIONS** - Prior to any final plat recordation, the plat must be revised to add parcel numbers.

Mr. Pereira presented and stated that staff is recommending approval based on the three exceptions to lot comparability as well as the condition that both lots be restricted to single-family uses only.

A resident of 3932 Cross Creek Road spoke in favor of the proposal due to the applicant agreeing to single-family use only for both lots.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions on Final Plat 2006S-160U-10. **(7-0)**

**Resolution No. RS2006-168**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-160U-10 is **APPROVED WITH CONDITIONS (8-0), including the condition that both lots be restricted to single family use ONLY.**

**Conditions of Approval:**

1. Prior to any final plat recordation, the plat must be revised to add parcel numbers.”

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**16. 2006S-162G-06**

Paul A. Justice Subdivision, Rev. 1  
Map 156-00, Parcel 043, 116  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request to amend the final plat to remove a condition applying to lots 2 and 3 which states that the homes must be oriented towards the Harpeth River (3.89 acres), zoned RS40, requested by Sharon Lampley, applicant, for Joanne J. King, owner.

**STAFF RECOMMENDATION - Approve**

**APPLICANT REQUEST - Final Plat**

Request to amend the final plat to remove a condition applying to lots 2 and 3, which stipulates that the homes must be oriented towards the Harpeth River.

**Zoning**

RS40 - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

**SUBDIVISION DETAILS**

**History** - A three lot subdivision was approved with conditions on this property by the Commission on September 22, 2005. The request proposed three lots with two being flag lots. Flag lots are not typically encouraged and require a variance. A lot comparability analysis was also required for the request and all three of the lots failed for area and the two flag lots also failed for frontage.

While the request failed lot comparability it did qualify for an exception, so staff worked with the applicant to address the flag lot scenario. Typically flag lots do not work because they create back yards in front yards. With the river being at the rear of the lots, staff required that the homes on the flag lots be oriented towards the river. The requirement adequately addresses the orientation issue, while giving the applicants three lots.

**Request** - The applicants are requesting that the orientation requirement be removed.

**Site Plan** - To better evaluate this request staff requested that the applicants submit a site plan. A site plan was submitted which adequately addressed the orientation issues.

**Recommendation** - Staff recommends that the request be approved.

**Original Staff Report** - As proposed three new lots will be created out of two individual parcels of land. The lots will have the following area(s), and frontage(s):

- Lot 1: 65,684 sq. ft. (1.51 ac.), and 83.85 ft. of frontage;
- Lot 2: 40,041 sq. ft. (.02 ac.), and 150.55 ft. of frontage;
- Lot 3: 63,560 sq. ft. (1.46 ac.), and 65.61 ft. of frontage.

**Lot Comparability** - Although all three lots meet the RS40 lot area requirement, Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be “generally in keeping with the lot frontage and lot size of the existing surrounding lots.” An exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan.

The lot comparability analysis for this area concluded that the minimum lot area is 87,555 square feet, and the minimum allowable lot frontage is 141 linear feet. All three proposed lots fail for area, and lot 1 and 3 fail for frontage.

The land use policy for the area is Residential Low-Medium. Metro’s Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. This proposal is consistent with the RLM policy, with an overall density of about 1 dwelling unit per acre.

*Greenway* - There is an identified greenway that crosses the property along the Harpeth River.

*Staff Recommendation* - Because the proposed lots are consistent with the area's policy, staff recommends that the request be approved. Homes on lots one and three should be generally oriented towards the Harpeth River.

**PUBLIC WORKS RECOMMENDATION - No Exceptions Taken**

**CONDITIONS**

1. Correct the 50' floodway buffer along Harpeth River. The 50' buffer should begin at the edge of the floodway line and run north.
2. Correct the identified 25' Greenway/Conservation Access and Trail Area Easement. This should be in addition to the 50' floodway buffer.
3. Homes on lots one and three must be oriented towards the Harpeth River. **(Note: This condition will be removed by the Commission's approval of this request to revise the plat)**
4. Correct Finished Floor Elevations (FFE's) prior to recordation.
5. Identify appropriate width drainage easement for the Harpeth River on the plat prior to recordation.

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

**Resolution No. RS2006-169**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-162G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Correct the 50' floodway buffer along Harpeth River. The 50' buffer should begin at the edge of the floodway line and run north.
2. Correct the identified 25' Greenway/Conservation Access and Trail Area Easement. This should be in addition to the 50' floodway buffer.
3. Homes on lots one and three must be oriented towards the Harpeth River. **(Note: This condition will be removed by the Commission's approval of this request to revise the plat)**
4. Correct Finished Floor Elevations (FFE's) prior to recordation.
5. Identify appropriate width drainage easement for the Harpeth River on the plat prior to recordation."

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

17. **8-65-G-03**  
Family Dollar  
Map 59, Parcel 154  
Subarea 3 (2003)  
District 2 - Jamie D. Isabel, Sr.

A request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at Whites Creek Pike at Moorman's Arm Road, zoned SCN, (9.79 acres), to permit the development of a 9,180 square foot retail use, requested by Dale and Associates, for Mark and Patricia Williams et al, owners.

**STAFF RECOMMENDATION – Approve with conditions**

Mr. Kleinfelter announced that the applicant for this proposal requested that it be deferred one meeting. He further explained that Councilmember Isabel was also in favor of deferring this item for one meeting.

Mr. Bernhardt explained that Councilmember Isabel was opposed to this revised Planned Unit Development and requested that it be deferred one meeting.

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously, to defer Planned Unit Development 8-65-G-03 until May 25, 2006. **(8-0)**

**Resolution No. RS2006-170**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 8-65-G-03 is DEFERRED TO THE MAY 25, 2006, PLANNING COMMISSION meeting. (8-0)”**

- 18. 53-84-U-12**  
Swiss Ridge Apartments  
Map 161, Parcel 284  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to revise a portion of the preliminary and for final approval for a portion of the Residential Planned Unit Development district located along the east side of Swiss Avenue, classified RM15, (8.25 acres), to permit the addition of 32 multi-family units, requested by Michael Brady, Inc, for Swiss Ridge, LP, owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST -Revision to Preliminary (a portion) and Final PUD**

Request to revise a portion of the preliminary and for final approval a phase of a Planned Unit Development district on 17.96 acres, located on the east side of Swiss Avenue, classified RM15, to permit the addition of 32 multi-family units.

**PLAN DETAILS**

**History** - The original Hickory Heights Villas preliminary PUD, approved by the Metro Council in 1985, included this property designated as open space for its fifth phase. The PUD was later revised in 2001 to allow 128 multifamily units in this area to the southeast of Swiss Avenue, within 16 buildings. In 2003, the final PUD for the first phase included 84 of the 128 units, as well as revised the 2001 PUD layout from 16 buildings to 6 buildings. This current proposal is a revision to preliminary and final PUD, as it modifies the two remaining apartment buildings (of six total) to be located on the southern side, with parking to the north. As this is a revision, only current parking and landscaping requirements apply.

**Site Design, Access, & Parking** - The submitted final PUD plans propose 32 multifamily units off of a new private driveway, with access to Swiss Avenue to the west. There are 16 two-bedroom units, and 16 three-bedroom units, equally divided among the two buildings, with 72 striped parking spaces located off of the private drive (meeting the requirement). A sidewalk is included in between the parking area and multifamily buildings. A large open space area surrounds the buildings and parking area.

**Open Space & Tree Preservation** - The applicant proposes to preserve a portion of the forested area as open space. The preservation of mature trees will serve several functions: 1) maintain an aesthetically gratifying area, 2) buffer the units from the road, and 3) serve as a tool in slope stabilization.

**Topography** - There is a large portion of the site that has slopes over 20 and 25 percent. The hillside development standards of the Metro Zoning Ordinance include tree preservation requirements for multifamily developments on/near hillsides. Section 17.28.030, subsection A states that

*“the portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater should be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.”*

The area proposed to be partially graded has slopes ranging from 10 to over 25 percent. Nevertheless, because the Council-approved preliminary PUD did *permit* multifamily development on slopes over 20 and 25 percent, a certain degree of grading is imminent. The plans will minimize excessive grading beyond the area to be disturbed for development.



**Slope stabilization** - As a general standard, any slopes greater than 30 percent are considered unsafe for lawn mowing (too steep). Given these slopes, normal grass sodding is not acceptable. The groundcover proposed for these steep areas includes "natural deep rooting trees and shrubs along the banks of the slopes." No retaining walls are proposed for slope stabilization. If retaining walls are used, they shall not exceed 4 feet in height. In addition, no rip-rap rock shall be used to stabilize any slope.

**Sidewalks** - A condition of approval of the revised preliminary (and final PUD for phase one) was that a sidewalk is required to be constructed on Swiss Avenue from Nolensville Pike to the property on both sides of Swiss Avenue. Public Works has stated that this sidewalk was bonded with phase 1. Prior to the issuance of any building permits for this second phase of the PUD, these sidewalks must be constructed.

**STORMWATER DEPARTMENT RECOMMENDATION** - Approved 4/28/06.

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

1. A **revised TIS** will be required prior to future development within this PUD.

**FIRE MARSHAL RECOMMENDATION** - Approved

1. Fire hydrants should flow at least 1,250 GPM's at 40 psi residual at the most remote hydrant.

### **CONDITIONS**

1. Prior to final PUD approval, all conditions of the revised preliminary PUD, as listed above, shall be met.
2. If retaining walls are used, they shall not exceed 4 feet in height. In addition, no rip-rap rock shall be used to stabilize any slope.
3. ~~Prior to the issuance of **any** building permits for this second phase of the final PUD, sidewalk is required to be constructed on Swiss Avenue from Nolensville Pike to the property on both sides of Swiss Avenue, as per the condition of approval of the revised preliminary (and final PUD for phase one). See Condition #3 in resolution RS2006-171 below~~
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. 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.
7. 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.
8. 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.
9. Approvals within public right of way are subject to Public Works' review and approval of construction plans.
10. Fire hydrants should flow at least 1,250 GPM's at 40 psi.
11. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. (Metro Ordinance 095-1541 Sec: 1568.020 B).

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

**Resolution No. RS2006-171**

“BE IT RESOLVED by The Metropolitan Planning Commission that 53-84-U-12 is **APPROVED WITH CONDITIONS.**  
**(8-0)**

**Conditions of Approval:**

1. Prior to final PUD approval, all conditions of the revised preliminary PUD, as listed above, shall be met.
2. If retaining walls are used, they shall not exceed 4 feet in height. In addition, no rip-rap rock shall be used to stabilize any slope.
3. ~~Prior to the issuance of any building permits for this second phase of the final PUD, sidewalk is required to be constructed on Swiss Avenue from Nolensville Pike to the property on both sides of Swiss Avenue, as per the condition of approval of the revised preliminary (and final PUD for phase one).~~
3. The developer shall construct a sidewalk along the north side of Swiss Avenue, from the end of the existing sidewalk proceeding from Nolensville Rd. approximately 820 feet to the entrance of the existing multifamily complex as shown on the attached image. This sidewalk is to replace all previous sidewalk requirements along Swiss Avenue and shall be completed by November 1, 2008. **Amended by MPC on May 8, 2008, see Agenda Item #11.**
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. 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.
7. 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.
8. 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.
9. Approvals within public right of way are subject to Public Works’ review and approval of construction plans.
10. Fire hydrants should flow at least 1,250 GPM’s at 40 psi.
11. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. (Metro Ordinance 095-1541 Sec: 1568.020 B.)”

- 19. 98-73-G-02**  
Hickory Hills PUD  
Map 41, Parcels 130, 131  
Subarea 2 (1995)  
District 3 - Carolyn Baldwin Tucker

A request to revise a portion of the preliminary plan for the Commercial Planned Unit Development district located at Hickory Hills Court, north of Old Hickory Boulevard, classified OR20, (5.53 acres), to permit a 51,702 square foot addition to an existing 52,289 square foot warehouse/light manufacturing building for a total of 103,991 square feet, requested by TLP Architects, for CRT Custom Products, Inc, owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary PUD**

Revise a 5.53 acre portion of the preliminary plan for the Commercial Planned Unit Development district located at Hickory Hills Court, north of Old Hickory Boulevard, to permit a 51,702 square foot addition to the existing 52,289 square foot light manufacturing building.

**Zoning**

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

#### **SUBAREA 2 PLAN**

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

**Policy Conflict** - No, the associated PUD plan proposed for this property is consistent with the area's policy which recognized the distribution and light manufacturing uses already existing within this PUD.

#### **PLAN DETAILS**

Site Plan/History - As proposed, the plan calls for a total of 103,075 square feet of light manufacturing and office uses. The existing plan for this portion of the PUD is approved for 52,289, while the entire PUD was originally approved for over 579,000 square feet in 1973. Although the addition of 51,702 square feet is a significant increase in square footage, it does not exceed 10% of the square footage originally approved by the Metro Council, including several revisions to the PUD over the years that have increased and decreased square footages. Two existing lots will be combined into one lot in order for this expansion to occur.

Access - Access will remain at the end of Hickory Hills Court. The existing cul-de-sac at Hickory Hills Court is proposed to be shortened by approximately 190 feet in order to accommodate the proposed additions. A Mandatory Referral will be required to close the existing right of way for a portion of this plan. This Mandatory Referral must be approved by the Metro Council prior to final plat recordation to combine the two existing lots into one existing lot and prior to the issuance of any building permits.

#### **PUBLIC WORKS RECOMMENDATION**

1. Show professional seal on site plan.
2. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
3. Mandatory referral will be required for closing of public right of way. Approval required prior to the submission of construction plans.
4. Remove center landscape island from turnaround.

#### **STORMWATER RECOMMENDATION**

1. Provide FEMA note.
2. Add 78-840 note stating: Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with stormwater management ordinance no. 78-840 and approved by Metro Water Services.
3. Add Preliminary note stating: This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
4. Show existing topo.
5. Show water quality concept

#### **CONDITIONS**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any permits, a final plat shall be recorded combining the two existing lots.
3. Prior to the issuance of any permits, a Mandatory Referral closing the 190 foot long portion of Hickory Hills Court must be approved by the Metro Council.
4. Final PUD must show dumpster pad locations.

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.
7. Any approval within public right of way is subject to Public Works approval of the construction plans within public right of way. Final design and improvements may vary based on field conditions.
8. A landscape island is required in the turnaround. If Public Works will not permit a landscape island within public right of way, then the island shall be platted separately as open space. If including a landscape island will interfere with required truck turning radius for this turnaround, then a larger turnaround must be designed with the final plat, and in any event prior to issuance of any building permits.
9. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

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

**Resolution No. RS2006-172**

“BE IT RESOLVED by The Metropolitan Planning Commission that 98-73-G-02 is **APPROVED WITH CONDITIONS.**  
**(8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Prior to the issuance of any permits, a final plat shall be recorded combining the two existing lots.
3. Prior to the issuance of any permits, a Mandatory Referral closing the 190 foot long portion of Hickory Hills Court must be approved by the Metro Council.
4. Final PUD must show dumpster pad locations.
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.
7. Any approval within public right of way is subject to Public Works approval of the construction plans within public right of way. Final design and improvements may vary based on field conditions.
8. A landscape island is required in the turnaround. If Public Works will not permit a landscape island within public right of way, then the island shall be platted separately as open space. If including a landscape island will interfere with required truck turning radius for this turnaround, then a larger turnaround must be designed with the final plat, and in any event prior to issuance of any building permits.

9. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.”

**20. 2005P-033U-14**

Whitland Crossing PUD-Pinnacle Bank  
Map 96-13, Parcel Part of 20, Part Of 97  
Subarea 14 (2004)  
District 15 - J. B. Loring

A request for final approval for a portion of a Planned Unit Development district located along the west side of Donelson Pike, north of Wellman Drive, classified CL, (1.32 acres), to permit a 3,918 square foot bank, requested by Civil Site Design Group, for various property owners.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST - Final PUD**

A request for final approval for a portion of a Planned Unit Development district, to permit a 3,918 square foot bank, located along the west side of Donelson Pike, north of Wellman Drive, classified CL, (1.32 acres).

**Plan Details** - This plan is consistent with the Council approved preliminary, although it reduces the proposed square footage of the bank from 5,500 square feet to 3,918 square feet. The entrance drive to be shared with the other lots in the development will be constructed with the bank. A 20 foot wide “C” type buffer yard is shown along the west and the south perimeters where the site abuts residential development.

**STORMWATER RECOMMENDATION** - Approve with conditions. The following items must be addressed before a grading permit can be issued:

1. Provide a stormwater detention agreement for the pond. Your e-mail dated 4/20/06 stated that agreement is pending sale of property.
2. Correlate the benchmark to a vertical datum (NGVD 29 or NAVD 88).
3. Provide a copy of the NPDES NOC letter. Also place standard note on plans stating NPDES permit number and signature. You can leave number blank at this time.
4. The detention pond outlet structure detail calls the inside of the structure 48” x 48” square in one view and 30” x 30” in the other view.
5. Resolve the following inconsistencies between the Hydraflow report and the Drainage Area Map:
  - a) The runoff coefficient for inlet A2.
  - b) The incremental flows for the inlets in Line A.
  - c) The drainage area, C value and Incremental Q for inlet B4.
  - d) The upstream invert elevation for line B4 to B3.
  - e) The drainage area, C value and Incremental Q for inlet C3.
6. In the pond report Weir Structure A should have a length of 16’ or 10’ depending on which view of the pond outlet structure is correct.
7. Provide information for the next two downstream structures from your project.

**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. Increase deceleration taper on Donelson Pike to meet AASHTO standards.
3. Existing sidewalks to be brought to current ADA standards.

**FIRE MARSHAL** - Approve

## CONDITIONS

1. Comply with Public Works conditions for approval within public right of way as listed above. Increase deceleration taper on Donelson Pike to meet AASHTO standards. Existing sidewalks to be brought to current ADA standards.
2. Comply with Stormwater conditions listed above.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. 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.
7. 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.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

### **Resolution No. RS2006-173**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-033U-14 is **APPROVED WITH CONDITIONS. (8-0)**

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

1. Comply with Public Works conditions for approval within public right of way as listed above. Increase deceleration taper on Donelson Pike to meet AASHTO standards. Existing sidewalks to be brought to current ADA standards.
2. Comply with Stormwater conditions listed above.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. 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.
7. 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.
8. 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."

- 21. 2004UD-001U-10**  
 31st Avenue and Long Boulevard  
 Map 104-02, Parcel  
 Subarea 10 (2005)  
 District 21 - Edward Whitmore

A request for a recommendation of approval from the MPC to the BZA for variance to the landscape bufferyard requirement, section 17.24.230 of the Metropolitan Zoning Ordinance.

**STAFF RECOMMENDTION - Disapprove**

**APPLICANT REQUEST** - A request for recommendation of approval from the MPC to the BZA for a variance to the landscape buffer yard requirement, section 17.24.230 of the Metropolitan Zoning Ordinance.

#### **BACKGROUND**

*31<sup>st</sup> Avenue/Long Boulevard Urban Design Overlay* - The *31<sup>st</sup> Avenue/Long Boulevard Urban Design Overlay* was adopted by Metro Council in March of 2004. The overlay waives the landscape buffering and screening standards of Article IV of the Zoning Code along **internal** base zone district boundaries within the UDO. The landscape buffering and screening standards of Article IV of the Zoning Code do apply, however, along **external** base zone district boundaries.

Chapter 17.24, Article IV- The landscape buffer yard requirements of the Zoning Code are intended to protect the value and integrity of property from the potential adverse effects of noncompatible land uses. The property in question is zoned RM20, which is designed for moderately high intensity multi-family structures. The adjacent property is zoned IWD, which provides opportunities for wholesaling, warehousing, and bulk distribution uses. The Code requires this RM20-zoned property to provide a standard "C" buffer yard along its boundary with the IWD property. The application of the "C" buffer yard along this zoning line, would require the installation of a 6-foot masonry wall, 3 canopy trees, 2 understory trees, and 10 shrubs.

Approved Permit - Staff reviews all permit applications within Urban Design Overlays to insure that development complies with the adopted standards. While staff does not review plans for Zoning Code compliance, the plans that were reviewed and stamped for this development on January 21, 2005, show a 6-foot tall, 90-foot long wall along the zoning district boundary comprised of masonry posts and wooden fencing materials.

#### **ANALYSIS**

Existing Conditions -This residential development is currently constructed and occupied. It is possible that the tenants bought into this development with the understanding that a buffer would be installed along the property line in question.

There is an abrupt change in grade of approximately 15 feet from this property line down to a paved area on the Metro Parks property. The existing slope is heavily vegetated with relatively mature, native vegetation. The extreme change in topography along the property line, as well as the presence of existing, mature vegetation will make it difficult to install a continuous footing for a 6-foot tall wall; and the installation of such a footing could damage the health of the existing vegetation.

**STAFF RECOMMENDATION** - Staff recommends disapproval of the buffer yard variance request to eliminate the buffer since existing property owners likely bought their units based upon approved permit drawings that show the buffer. Staff believes, however, that the installation of a continuous concrete footing in this location will compromise the health of the existing vegetation, and will be extremely difficult to install along the steep grade change. Staff recommends that the buffer be installed as previously approved under UDO compliance review, with a 6-foot wooden fence and masonry posts.

Mr. Kleinfelter explained that this item could be placed back on the Consent Agenda. He stated that the Mr. Jones spoke with the developer and the constituents who had issues with the proposal, and there were no longer concerns that would warrant its removal for the agenda.

Ms. Nielson moved, and Mr. Clifton seconded the motion, which passed unanimously to approve Urban Design Overlay 2004UD-001U-10 with the condition that it be approved with a “c” Landscape buffer conditions to install a six foot tall wooden fence with masonry columns. **(8-0)**

#### **Resolution No. RS2006-174**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2004UD-001U-10 is APPROVED WITH A CONDITION TO INSTALL A “C” LANDSCAPE BUFFER WITH A SIX FOOT TALL WOODEN FENCE WITH MASONRY COLUMNS. (8-0)”**

22. **2005UD-003G-12**  
Carothers Crossing Phase 2  
Map 188, Parcels 004, 011, Part Of 005, 008,034  
Map 190, Parcels 001  
Subarea 12 (2004)  
District 31 – Parker Toler

A request for final approval of an Urban Design Overlay, located at 7107, 7211 7244 Carothers Road and Carothers Road (unnumbered), and Battle Road (unnumbered), classified RM9 and MUL (34.86 acres), to permit the development of 58 detached single family lots, 58 attached single-family lots, 32 multi-family units and 17,000 square feet of commercial space, requested by Wood Ridge Investment LLC, applicant for Wood Ridge Development, LLC, owner.

**STAFF RECOMMENDATION – Approve with conditions if Stormwater conditions are met prior to the Commission Meeting.**

**The Metropolitan Planning Commission DEFERRED Urban Design Overlay 2005UD-003G-12 to May 25, 2006 at the request of the applicant. (8-0)**

#### **XIV. OTHER BUSINESS**

23. **2005S-330U-13**  
Ron Cherry Property - Sidewalk Variance  
Map 120-13, Parcel  
Subarea 13 (2003)  
District 28 - Jason Alexander

A request for a sidewalk variance for lot 2 of the approved final plat located at 1207 Currey Road, southwest corner of Currey Road and McGavock Pike (0.59 acres), classified within the R10 District, requested by Ron Cherry, owner, Smith Land Surveying, surveyor.

**STAFF RECOMMENDATION – Approve with conditions**

#### **APPLICANT REQUEST - Revision to final plat**

A variance from sidewalk construction along the frontage of lot 2 of McGavock Pike at 1207 Currey Road, at the southwest corner of Currey Road and McGavock Pike.

#### **ZONING**

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



## VARIANCE DETAILS

Sidewalk requirement - This property falls within the Urban Services District, and lot 2 creates new development rights because duplexes can be built on both lots. A sidewalk normally would be required on the frontage of lot 2 on McGavock Pike. Though the subdivision was approved with conditions at the December 8, 2005, Planning Commission meeting, this required sidewalk was not shown on the plat (Alternatively, given that there is no sidewalk on streets in the immediate vicinity, a contribution to the sidewalk fund is also acceptable in lieu of actually constructing the required sidewalk). If the applicant chooses to pay the financial contribution instead of constructing the required sidewalk, a note must be added to the plat, prior to final plat approval: "Applicant required to make a financial contribution to the sidewalk fund prior to the issuance of building permits."

Variance request - This variance requests relief from the sidewalk requirement on lot 2 along the frontage of McGavock Pike, citing topographical conditions that would make the construction of a sidewalk "prohibitively expensive." According to the applicant's assessment, "to lay sidewalk at the property line would require pipes and the filling of a drainage area... starting at 2 feet deep, going to 4 feet deep."

Sidewalk constructability report - According to the Public Works sidewalk constructability report, currently the centerline of a wet weather conveyance is located approximately 10 feet from the edge of the McGavock Pike pavement (the drainage area as referenced by the applicant). The wet weather conveyance flows in a northerly direction along the lot 1 eastern property boundary, and a 9 foot by 4 foot box culvert crosses Currey Road at the Currey Road / McGavock Pike intersection (see Figure 1).



Fig. 1. Northerly view of existing 9' by 4' box culvert (Photo taken by J. Honeycutt, MPW)



Fig. 2. Southerly view of western margin of McGavock Pike (Photo taken by J. Honeycutt, MPW)

If a sidewalk is constructed along the **eastern** margin of lot 1 (the area shown in figures 1 and 2), a box culvert may be required along the eastern margin. Approvals are subject to review by the Stormwater Division of Metro Water Services.

If a sidewalk is required along the **eastern** margin of lot 2 (see figure 3), fill material may be required to construct sidewalk to roadway centerline grade. There is a potential future connectivity issues with sidewalk construction along the eastern

boundary of lot 1 to the McGavock Pike / Currey Drive intersection.



Fig. 3. Southerly view of eastern margin of proposed lot 2 (Photo taken by J. Honeycutt, MPW)

If a sidewalk is constructed along the **northern** boundary of lot 1 (see figure 4), storm drainage structures may be required, with the sidewalk ending at the Currey Drive / McGavock Pike curb ramp.



Fig. 4. Westerly view of northern margin of proposed lot 1 (Photo taken by J. Honeycutt, MPW)

Staff analysis and recommendation As shown and discussed above, there is a large, yet gently sloping, elevation difference starting at the southeastern-most corner of lot 2, and terminating at the northeastern-most corner of lot 1 (where the 9' by 4' box culvert is located). The sidewalk requirement applies to lot 2 (figure 3). The grade difference between McGavock Pike and the lots (due to the drainage area) is largest north of lot 2 along lot 1. The construction of a sidewalk along lot 2 would require fill material and result in a fragmented pedestrian way that would end abruptly at the lot 2/lot 1 boundary, likely never to be extended across lot 1 due to the large grade difference. In addition, such a sidewalk could potentially obstruct an important drainage area for the neighborhood, and also be a hazard for pedestrians unfamiliar with the area.

The Public Works and Planning Department staff have also reviewed the frontage of lot 1 along Currey Road as an alternative location for a sidewalk. As shown in figure 4, there are no major topographical problems here, and therefore a sidewalk at this location would be an acceptable alternative to constructing the sidewalk along lot 2 (McGavock Pike). Staff recommends a variance from the required sidewalk on McGavock Pike, with the condition that a sidewalk be constructed along the southern margin of Currey Road on lot 1.

**CONDITION** - Prior to final plat recordation, the plat must be revised to show the sidewalk to be constructed along the frontage of lot 1 of Currey Road, or alternatively, add a note to the final plat that states that the applicant is required to make a financial contribution to the sidewalk fund prior to the issuance of building permits.

Mr. Pereira presented and stated that staff is recommending approval on the sidewalk variance on the frontage of lot 2 of McGavock Pike, with the condition that a sidewalk be constructed along the frontage of Currey Road on Lot 1.

Mr. Ron Cherry, spoke in favor of the proposal.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt staff recommendations on 2005S-330U-13. (7-0)

**Resolution No. RS2006-175**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-330U-13 is **APPROVED SIDEWALK VARIANCE ON LOT 2, WITH THE CONDITION THAT A SIDEWALK BE CONSTRUCTED ON LOT 1 ALONG THE FRONTAGE OF CURREY ROAD. (7-0)**

**Conditions of Approval:**

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

24. Amended employee contracts for Lee Jones, Randy Morgan and Hilary Kahnle.

Approved (8-0), *Consent Agenda*

25. Executive Director Reports

26. Legislative Update

**XIV. ADJOURNMENT**

The meeting adjourned at 7:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

**Equal Employment Opportunity Employer**



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