



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

June 8, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Brooks Fox, Legal Counsel
David Kleinfelter, Planning Mgr. II
Bob Leeman, Planner III
Kathryn Withers, Planner III
Trish Brooks, Admin. Svcs. Officer 3
Jason Swaggart, Planner I
Adriane Harris, Planner II
Jennifer Carlat, Communications Officer
Dennis Corrieri, Planning Tech I
Cynthia Wood, Planner III
Lee Jones, Planner III

Commission Members Absent:

Phil Ponder, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:10 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced there was a correction to the agenda. Item #8, 2006Z-088U-14 should read "A request to change from RS10 to ON zoning, property located at 207 and 209 McGavock Pike", not 211 McGavock Pike.

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

III. APPROVAL OF MAY 25, 2006 MINUTES

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to approve the May 25, 2006 minutes. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Shulman spoke regarding Item #2, 2005SP-119U-10, Castleman Drive SP. He explained that he was been working with the community regarding this request and that he has had to call another neighborhood meeting. This meeting has been scheduled for Sunday, June 18 at 3:00 p.m. at Hillsboro High School. He requested that this item be deferred until the next Planning Commission meeting so that he could continue to meet with the residents that would be affected by this rezoning.

Councilmember Brown stated he would reserve his comments until after his item was presented for discussion.

Councilmember Foster spoke in favor of Item #1, 2006Z-080T. He gave a brief explanation for this text amendment and asked that the Commission consider his request.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

VIII. A REQUEST TO AMEND THE SUBAREA 13 PLAN: 2003 UPDATE TO GO FROM RESIDENTIAL MEDIUM HIGH DENSITY (RMH) POLICY TO COMMUNITY CENTER (CC) POLICY FOR APPROXIMATELY 17 ACRES OF PROPERTY LOCATED ALONG BELL ROAD AND RICE ROAD, REQUESTED BY THE METROPOLITAN PLANNING DEPARTMENT – deferred until June 22, 2006, at the request of the applicant

2. 2005SP-119U-10 Castelman Drive SP - Request to change acres from RS7.5, R15 and R20 to SP district, properties along the south side of Kirtland Avenue, and both sides of Farrar Avenue, Hood Avenue, and Castleman Drive between Hillsboro Pike and Lone Oak Road, to prohibit new duplexes and permit property owners with 45,000 square feet lots or parcels at the time of adoption of the SP to subdivide into up to three lots each, and apply basic development standards – deferred until June 22, 2006, at the request of the applicant
3. 2006SP-079U-13 Rural Hill Road SP - Request to change from R15 to SP zoning property located directly north of Rice Road and Bell Road at Rural Hill Road to permit a maximum of 570 residential units and 430,000 square feet of office and commercial uses -- deferred until June 22, 2006, at the request of the applicant
7. 2006Z-087U-14 A request to change from R10 to ON zoning, property located at 200 Fairway Drive, approximately 150 feet north of Sweetwood Road (.34 acres) – withdrawn at the request of the applicant
10. 2006S-143G-06 Fox Hollow Farms, Phase 3 - Request for preliminary plat approval to create 10 lots in the Fox Hollow Farms subdivision located on a private drive, Fox Vale Lane, off of Highway 96 – deferred indefinitely, at the request of the applicant
11. 2006S-187G-06 Spring Valley, Section 2 - Request for preliminary plat approval to create 2 lots at 7719 Sawyer Brown Road. – deferred until June 22, 2006 at the request of the applicant
14. 2006S-191U-08 North Nashville Real-Estate Company, Resub. - A request for final plat approval to create 3 lots on property located at 1811 7th Avenue North – deferred until June 22, 2006 at the request of the applicant

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items. (7-0)

Ms. Cummings arrived at 4:25 p.m.

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

5. 2006Z-083U-13 Request to change from IG to IR zoning a portion of property located at 12761 Old Hickory Boulevard, approximately 280 feet south of Hobson Pike - Approve

PRELIMINARY SUBDIVISION PLATS

12. 2006S-199G-06 Forte Property - Request for preliminary plat approval to create 1 lots on property located at an extended Summit Oaks Court, - Approve w/ conditions

FINAL PLATS

13. 2006S-185G-02 Quail Ridge, Phase 1, Sec. 7, First Rev. - Request to revise a final plat to remove the sidewalk on the south side of Indian Summer Drive from 4904 to 4956 Indian Summer Drive, north of the intersection of Indian Summer Drive and Quail Ridge Drive. - Approve

17. 2006S-201G-04 Bobby's Place - Request for final plat approval to create 3 lots on property located at Cheyenne Boulevard (unnumbered) - Approve

PLANNED UNIT DEVELOPMENTS (revisions)

18. 2004P-013G-12 Mill Creek Towne Centre (Formerly Legg) - Request to revise a portion of the preliminary and for final approval for the Commercial Planned Unit Development district located along the east side of Nolensville Pike, at Concord Hills Drive to permit a 3,950 square foot bank - Approve w/ conditions

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. **(8-0)**

VII. A REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE TO GO FROM NATURAL CONSERVATION TO RESIDENTIAL LOW MEDIUM POLICY FOR APPROXIMATELY 141 ACRES FOR PROPERTY LOCATED AT 8733 NEWSOM STATION ROAD, REQUESTED BY BARGE, CAUTHEN AND ASSOCIATES.

Ms. Wood presented and stated that staff is recommending approval. Ms. Wood explained that staff added Special Policy Area 8 to their recommendation and that this information was distributed to the Commission for their review prior to this presentation.

Ms. Jackie Reese, 8444 Merrymount Drive, spoke in opposition to the proposed amendment.

Mr. Sam Epting, 8512 Newsom Station Road, spoke in opposition to the proposed amendment.

Mr. Jeff Roberts, 8536 Newsom Station Road, spoke in opposition to the proposed amendment.

A resident of 8457 Hwy 70, spoke in opposition to the proposed amendment.

Mr. Clyde Taylor, 8555 Newsom Station Road, spoke in opposition to the proposed amendment.

Ms. Alice Pickney, 8440 Merrymount Drive spoke in opposition to the proposed amendment.

Mr. James Spence, 8510 Raymond Roberts Drive, spoke in opposition to the proposed amendment.

Ms. Sheila Brown, 8437 Rolling Hills Drive, spoke in opposition to the proposed amendment.

A resident of 8334 Merrymount Drive, spoke in opposition to the proposed amendment.

Mr. Mark Marshall, 8509 Newsom Station Road, spoke in opposition to the proposed amendment.

Mr. Dan Barge, 95 White Bridge Road, spoke in favor of the proposed amendment.

Ms. Lisa Byron, 8446 Merrymount Drive spoke in opposition to the proposed amendment.

Mr. Randy Hand, 8525 Raymond Roberts Drive, requested additional information regarding the added Special Policy.

A resident of 8401 Merrymount Drive, spoke in opposition to the proposed amendment.

Mr. Bernhardt offered additional information regarding the Special Policy included in the amendment. He stated that the current Metro floodplain regulations only requires a 50 percent preservation, while the special policy is intended to require more than 50 percent preservation.

Mr. Loring stated that he was not in favor of approving the amendment at this time. His issues included the road conditions of the ingress/egress to the property, the railroad crossing, as well as development on or near the floodplain area.

Ms. Jones acknowledged that the Commission is only voting on the amendment to the Bellevue Community Plan and stated she was in agreement with staff's recommendation. She briefly spoke of the issues mentioned by the residents and stated that the development may improve or enhance the areas of concern.

Ms. Nielson questioned staff on the proposed road that would cross the railroad and questioned whether it was proposed to connect to Newsome Station Road.

Mr. McLean requested additional information on the actual development plan in association with the amendment.

Mr. Clifton requested additional information regarding additional policies between RLM and Natural Conservation.

Ms. Wood explained these policies to the Commission.

Mr. Clifton stated he was hesitant in supporting the amendment.

Ms. Cummings spoke in favor of the Natural Conservation Plan currently in place for this area. She stated she was not in favor of approving the amendment due to the fact that the land meets all the criteria for staying under the Natural Conservation policy.

Mr. Tyler requested additional clarification on the requested policy for the area. He spoke of issues relating to road conditions, traffic and increased density for the area.

Mr. Lawson expressed an issue with developers utilizing plan amendments for development. He spoke of the plan amendments recently adopted in 2003.

Ms. Jones spoke of several reasons why staff would recommend approval for this amendment. Her reasons included the additional floodplain requirements added by staff and the fact that the topography of the land makes it developable. She also mentioned that during plan amendments, much of the focus falls on "hot spots" of the area being amended, and sometimes lines can be drawn that later could or should be amended.

Mr. Lawson stated that the issues at hand were mainly policy issues relating to this subarea plan.

Mr. Bernhardt explained several avenues the Commission could take regarding this amendment.

Mr. McLean questioned the current land use policy for the area and its density by rights compared to the requested RLM policy.

Ms. Wood explained this concept to the Commission.

Mr. Tyler requested additional information on the SP zoning proposed for this area.

Mr. Bernhardt explained this concept to the Commission.

Mr. McLean questioned whether the applicant has filed an SP zoning for this area.

Ms. Wood indicated that they have filed for SP zoning.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously, to defer this plan amendment

indefinitely until such time this amendment can be brought back to the Commission with the application for SP zoning as well as the plan amendment, which includes traffic studies and floodplain requirements. **(8-0)**

Mr. Clifton clarified that the motion should not be construed as an automatic approval if the SP zoning and plan amendment were resubmitted. The Commission will still need to deliberate the re-submittal.

Resolution No. RS2006-193

“BE IT RESOLVED by The Metropolitan Planning Commission that A REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE TO GO FROM NATURAL CONSERVATION TO RESIDENTIAL LOW MEDIUM POLICY FOR APPROXIMATELY 141 ACRES FOR PROPERTY LOCATED AT 8733 NEWSOM STATION ROAD, REQUESTED BY BARGE, CAUTHEN AND ASSOCIATES is **DEFERRED INDEFINITELY. (8-0)**

VIII. A REQUEST TO AMEND THE SUBAREA 13 PLAN: 2003 UPDATE TO GO FROM RESIDENTIAL MEDIUM HIGH DENSITY (RMH) POLICY TO COMMUNITY CENTER (CC) POLICY FOR APPROXIMATELY 17 ACRES OF PROPERTY LOCATED ALONG BELL ROAD AND RICE ROAD, REQUESTED BY THE METROPOLITAN PLANNING DEPARTMENT.

The Metropolitan Planning Commission DEFERRED Subarea 13 Plan: 2003 Amendment to June 22, 2006 at the request of the applicant. (7-0)

IX. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING
TEXT AMENDMENTS

1. 2006Z-080T
Council Number: BL2006-1051

A request to amend Section 17.40.120 of the Metro Zoning Code relative to requiring Metro Council approval if the total number of dwelling units in a Planned Unit Development were proposed to be increased beyond the last Council approved plan or the last approved plan by the Planning Commission, requested by Councilmember Randy Foster.

STAFF RECOMMENDATION – Approve with staff proposed amendment

APPLICANT REQUEST - Amend Zoning Code to require that in a Planned Unit Development (PUD), any increase in the number of residential lots or units from the number last approved by Council or the Planning Commission, must be acted upon by the Metro Council as a Planned Unit Development (PUD) amendment.

ANALYSIS - Existing Law

The current Zoning Code permits developers to modify the number of residential dwellings within a PUD provided they do not exceed the number of dwelling units last approved by Council. This is accomplished by revising the preliminary PUD plan and submitting it to the Planning Commission for review and approval. This process takes six weeks.

PUD revisions are governed by Section 17.40.120.F and G of the Zoning Code. Section 17.40.120.F addresses revision and amendments to PUDs adopted after the Metro Zoning Code was rewritten in 1998. Section 17.40.120.G addresses revision and amendments to PUDs adopted prior to 1998.

Currently Section 17.40.120.F is silent on increasing the number of dwelling units or lots. Meanwhile, Section 17.40.120.G identifies that any PUD change increasing the total number of residential units within a PUD beyond what the Metro Council last approved is to be treated as a PUD amendment, requiring Council approval.

Proposed Text Change - The proposed amendment is intended to require that any increase in the number of residential units is to be considered a PUD amendment.

Section 17.40.120.F.1 lists the changes to a post-1998 PUD that are required to be considered an amendment. The ordinance initially proposed to amend this list by adding the following:

d. An increase in the total number of residential dwelling units; or Councilmember Foster has provided to staff an amendment to the ordinance that would change this new subsection to read: or

d. An increase in the total number of residential dwelling units as authorized by council ordinance or as authorized by the most recent modification or revision by the planning commission setting the total number of residential

dwelling units; or

Metro Planning staff recommends that the amendment instead read:

- d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or Metro Planning staff believes this revised amendment achieves the Councilmember's goals and will prove easier to interpret and enforce.

Section 17.40.120.G.2. lists the changes to a pre-1998 PUD that are required to be considered an amendment. The current subsection addressing increases in units would be deleted in its entirety and replaced with the following:

- f. ~~There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;~~
- f. There is no increase in the total number of residential dwelling units, even if the number of residential dwelling units was decreased by a prior modification;

Analysis - Currently, any PUD proposing an increase in the total number of residential units beyond the number last approved by the Metro Council is considered a PUD amendment. As an amendment, the PUD receives a recommendation from the Planning Commission, and final approval from the Metro Council.

Therefore a PUD can currently be approved by Council at a set number of units and then the number of units modified, through revision, downward or upward so long as the total number does not surpass the number of units originally approved by Council.

If enacted, this ordinance would change that current standard for PUD revisions and amendments. A PUD could be approved at Council and the number of residential units could be reduced through a revision, but after the number of units was reduced, it could only be increased again by Council action, even if the increase in units was within the number originally approved by Council.

This would significantly change the current PUD process. Preliminary PUD plans are typically revised multiple times after the Metro Council approves them. These revisions are to decrease the number of proposed residential dwellings below what the Council approved based on new market or engineering studies. Plans are routinely revised upwards and downwards – but never exceeding the last approved Council plan without Metro Council action.

For example, the Council approves a plan for 32 townhouses, but after further market research, the developer decides the units need to be larger, and submits a revised preliminary plan for 26 townhouses. The Planning Commission approves the revised plan. The developer sells the property to another developer who now wants to do the original 32 townhouses. Under the proposed bill, this modification would be considered a PUD amendment instead of a PUD revision, even though the proposed 32 townhouses is within the original number of units approved by Metro Council.

The proposed bill would lengthen the development review process for residential PUD developers from the six weeks a revision takes to three to four months necessary for Council action, in cases where the number of dwelling units are being increased over that previously approved by the Planning Commission (not to exceed the number of units approved by Metro Council).

Today, no public hearing is held at the Planning Commission on such PUD revisions. By requiring Metro Council approval, these modifications would be deemed a PUD amendment and receive a public hearing at both the Planning Commission and Metro Council.

Staff Recommendation - Approve with the staff proposed amendment:

- d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or

The ordinance changes the standard for when a change to a PUD is considered a revision or an amendment and does lengthen the review/approval process for residential PUD developers by requiring Metro Council approval of any change in the total number of residential dwellings. Such a change is procedural, however, and not substantive. The change does not relax, lessen, or decrease development review standards (e.g. floodplain, hillsides, setbacks, land uses, etc.); and therefore, staff recommends approval.

Ms. Carlat presented and stated that staff is recommending approval with the proposed staff amendment.

Mr. Roy Dale, Dale and Associates, expressed issues with the text amendment.

Mr. Tom White, 36 Old Club Court, spoke in opposition to the text amendment.

Mr. David McGowan, 5647 Granny White Pike, expressed issues with the proposed text amendment.

Mr. John Sheeley, Home Builders Association, spoke in opposition to the proposed text amendment.

Mr. Clifton summarized the Councilmember's proposal and stated he was not in favor of staff recommendation.

Mr. McLean requested further clarification on the impacts this amendment would have on existing PUDs and those moving through the process for approval.

Ms. Carlat explained this concept to the Commission.

Ms. Hammond stated there would be no "grandfathering" associated with this bill. She stated it is intended to address old PUDs as well as new PUDs.

Mr. McLean summarized by stating that if the amendment were approved, many of the existing applications for PUD amendments, as well as those approved in the past, would require Council approval and that he was not in favor of this text amendment.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously, to disapprove Text Amendment 2006Z-080T. **(8-0)**

Resolution No. RS2006-194

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-080T is **DISAPPROVED. (8-0)**"

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:45 p.m.

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

- 2. 2005SP-119U-10**
Castelman Drive SP
Map 131-02, 131-06, and 131-07, Various Parcels
Subarea 10 (2005)
District 25 (Shulman)

A request to change acres from RS7.5, R15 and R20 to SP district, properties along the south side of Kirtland Avenue, and both sides of Farrar Avenue, Hood Avenue, and Castleman Drive between Hillsboro Pike and Lone Oak Road (51.66 acres), to prohibit new duplexes and permit property owners with 45,000 square feet lots or parcels at the time of adoption of the SP to subdivide into up to three lots each, and apply basic development standards, requested by Councilmember Jim Shulman for various owners.

STAFF RECOMMENDATION - Approve

The Metropolitan Planning Commission DEFERRED Zone Change 2005SP-119U-10 to June 22, 2006, at the request of the applicant. (7-0)

- 3. 2006SP-079U-13**
Rural Hill Road SP
Map 149-00, Parcels 119, 120, 121, 122, 123, 124, 125, 126, 128, 128.01, 131, 132, 133
Map 149-00, Parcels 179, 180, 185, 190, 196, 232, 341
Map 149-00, Part of Parcel 200

Subarea 13 (2003)
District 33 - David Briley

A request to change from R15 to SP zoning property located directly north of Rice Road and Bell Road at Rural Hill Road (33.25 acres), to permit a maximum of 570 residential units and 430,000 square feet of office and commercial uses, requested by the Metro Planning Department, for various property owners.

STAFF RECOMMENDATION – Approve with conditions

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-079U-13 to June 22, 2006, at the request of the applicant. (7-0)

4. **2006Z-081U-13**
Map 165-00, Parcels 073, 104, 105, 106, 130
Map 176-00, 008, 041, 026
Subarea 13 (2003)
District 32 - Sam Coleman

A request to change from AR2a to RM9 zoning property located at 4334, 4374 and 4414 Maxwell Road and Maxwell Road (unnumbered) (77.3 acres), approximately 430 feet east of Flagstone Drive, requested by Jerry Butler Builders LLC, for George & Michelle Averitt, W.E. Davenport & American Maintenance Systems, Robert N. Davenport and Delores P. Davenport, Robert N. Davenport et ux, Peggy Cropper, and Lawrence D. Davenport et ux, owners.

STAFF RECOMMENDATION - Disapprove

Mr. Kleinfelter announced that the applicant has requested that this item be deferred to July 13, 2006.

Mr. Clifton moved and Mr. McLean seconded the motion, which passed unanimously to defer Zone Change 2006Z-081U-13 to July 13, 2006 at the request of the applicant. **(8-0)**

The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-081U-13 to July 13, 2006, at the request of the applicant. (7-0)

5. **2006Z-083U-13**
Map 175-00, Parcel part of 036
Subarea 13 (2003)
District 32 - Sam Coleman

A request to change from IG to IR zoning a portion of property located at 12761 Old Hickory Boulevard, approximately 280 feet south of Hobson Pike (1.1 acres), requested by 101 Construction Company, owner.

STAFF RECOMMENDATION - Approve

APPLICANT REQUEST - A request to rezone approximately one acre from Industrial General (IG) to Industrial Restrictive (IR), property located at 12761 Old Hickory Boulevard.

Existing Zoning

IG district - Industrial General is intended for a wide range of intensive manufacturing uses.

Proposed Zoning

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

ANTIOCH PRIEST LAKE COMMUNITY PLAN POLICY

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

Policy Conflict -No. The requested IR district is consistent with the intent of the areas Industrial policy. Furthermore, the property was previously zoned IR, but was rezoned to IG at the request of the property owner in 2005.

Staff Recommendation -Given the surrounding industrial zoning pattern and development pattern, staff recommends that the request be approved.

RECENT REZONINGS - Yes. A request to rezone this property from IR to IG was approved by the Planning Commission on March 10, 2005, and was approved by Council on May 17, 2005.

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

Typical Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General heavy industrial(120)	1.1	0.24	11,500	18	6	8

Typical Uses in Proposed Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.1	0.21	10,062	388	17	11

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	1.1		-11,489	370	11	3

Maximum Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial(120)	1.1	0.6	28,749	44	15	20

Maximum Uses in Proposed Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial(110)	1.1	0.6	28,749	201	27	29

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
--			-	183	21	21

Approved (8-0), *Consent Agenda*

Resolution No. RS2006-195

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-083U-13 is **APPROVED. (8-0)**

The proposed IR district is consistent with the Antioch Priest Lake Community Plan’s Industrial policy, which is intended for areas that are dominated by one or more activities that are industrial in character.”

- 2006Z-085U-13**
 Map 148-03, Parcel 135
 Subarea 13 (2003)
 District 28 - Jason Alexander

A request to change from R10 to CL zoning property located at 1433 Antioch Pike, approximately 460 feet south of Ezell

Road (.28 acres), requested by Rahim and Shokria Ghafuri, owners.

STAFF RECOMMENDATION - Disapprove

APPLICANT REQUEST - Request to change 0.28 acres from Residential Single-Family and Duplex district (R10) to Commercial Limited district (CL) property located at 1433 Antioch Pike, approximately 460 feet south of Ezell Road.

Existing Zoning

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

Proposed Zoning

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

ANTIOCH/PRIEST LAKE COMMUNITY PLAN POLICY

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

Policy Conflict -Yes. The proposed CL conflicts with the RLM policy on this site, as it allows a range of commercial uses that are not compatible with the residential intent of the policy. Given its small size and location between CS and R10 zoning, the staff informed the applicant of its willingness to consider a minor subarea plan amendment that would allow a transitional use on this parcel – i.e., a small-scale office (ON zoning). The applicant refused to modify the request.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.28	3.7	1	10	1	2

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(814)	0.28	0.20	2,439	141	9	28

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.28	0.10*	1,219	379	38	43

*adjusted as per use

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.28			369	37	41

METRO SCHOOL BOARD REPORT - As this request is for commercial uses, no students would be generated with the rezoning.

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

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to adopt staff recommendation to disapprove Zone Change 2006-085U-13. **(8-0)**

Resolution No. RS2006-196

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-085U-13 is **DISAPPROVED. (8-0)**

The proposed CL district is not consistent with the Antioch Priest Lake Community Plan’s Residential Low Medium policy, which is intended for residential development with a density of between two and four units per acre.”

7. **2006Z-087U-14**
Map 095-03, Parcel 048
Subarea 14 (2004)
District 15 - J. B. Loring

A request to change from R10 to ON zoning, property located at 200 Fairway Drive, approximately 150 feet north of Sweetwood Road (.34 acres), requested by Jane Eakes of HJL, L.P., applicant/owner.

STAFF RECOMMENDATION - Disapprove

The Metropolitan Planning Commission WITHDREW Zone Change 2006Z-087U-14 at the request of the applicant. (7-0)

8. **2006Z-088U-14**
Map 095-04, Parcel 090, 091
Subarea 14 (2004)
District 15 - J. B. Loring

A request to change from RS10 to ON zoning, property located at 209 and 211 McGavock Pike, approximately 325 feet south of Crossfield Road (0.64 acres), requested by Jane Eakes of HJL, L.P., applicant.

STAFF RECOMMENDATION - Disapprove

APPLICANT REQUEST - Request to change 0.64 acres from Residential Single-Family and Duplex district (R10) to Office Neighborhood district (ON), property located at 209 and 211 McGavock Pike, approximately 325 feet south of Crossfield Road.

Existing Zoning

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

Proposed Zoning

ON district - ON is intended for low intensity office uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

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

Policy Conflict - Yes. The proposed ON zoning is not consistent with the Residential Low Medium policy on this site, as it allows office uses. While the adjacent parcel (092) is zoned ON, permitting office zoning and development on this parcel would continue a negative “creep” effect of nonresidential zoning into the adjacent neighborhood to the south. In addition, there is a large Mixed Use in Community Center policy area located on the south side of Lebanon Pike, between McGavock Pike and Fairway Drive; this intense policy node already serves this area’s demand for office and other nonresidential development.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken. An access study or traffic impact study may be required at development.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.64	3.7	2	20	2	3

Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.64	0.056	1,561	55	7	7

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.64			35	5	4

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.64	3.7	2	20	2	3

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (912)	0.64	0.40	11,151	2,749	138	511

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
--	0.64			2,729	136	508

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend McGavock Elementary School, Two Rivers Middle School, or McGavock High School. McGavock High School has been identified as not having capacity by the Metro School Board, but the adjacent clusters of Glencliff and Stratford do have capacity. This information is based upon data from the school board last updated February 2006.

*School generation numbers based on the assumption of a maximum density of six (6) 3,750 square foot single-family lots and one (1) duplex lot, which would be allowed within ON zoning on this property.

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

Mr. Loring spoke in favor of approving this request. He stated that he has received calls from constituents who were very much in favor of this request. He stated that the owner has a good reputation and is well known for improving and stabilizing this area of his district.

Ms. Jones spoke of neighborhood transitioning that sometimes warrant these types of approvals.

Mr. Clifton stated that from a Planning Commissioner's perspective, he would not be able to support this request.

Ms. Nielson moved and Mr. Cummings moved to adopt staff recommendation to disapprove Zone Change 2006Z-088U-14.

(6-2) No Votes – Loring, McLean.

Resolution No. RS2006-197

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-088U-14 is **DISAPPROVED. (6-2)**

The proposed ON district is not consistent with the Donelson/Hermitage Community Plan’s Residential Low Medium policy, which is intended for residential development with a density of between two and four units per acre.”

9. **2006Z-089U-14**
Map 084-16, Parcel 105, 106
Subarea 14 (2004)
District 15 - J.B. Loring

A request to change from R10 and RS10 to ON zoning property located at 129 and 131 McGavock Pike, northeast corner of McGavock Pike and Park Drive (0.75 acre), requested by Jane Eakes of HJL, L.P., applicant/owner.

STAFF RECOMMENDATION - Disapprove

APPLICANT REQUEST- Request to change 0.75 acres from Residential Single-Family and Duplex district (R10) and Residential Single-Family district (RS10) to Office Neighborhood district (ON) property located at 129 and 131 McGavock Pike, northeast corner of McGavock Pike and Park Drive.

Existing Zoning

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

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

ON district-ON is intended for low intensity office uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Neighborhood General (NG) - NG policy 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.

Mixed Housing (MH) - MH policy is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but should be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Policy Conflict - Yes. The proposed ON zoning is not consistent with the Mixed Housing in Neighborhood General policy on this site, as it allows office uses. The nearby policy on the south side of Park Drive is Mixed Use in Community Center, which permits office and other nonresidential development. In addition, the office-zoned properties to the west of McGavock Pike have a Mixed Housing in NG policy, which allows for higher density multifamily development. By permitting office zoning and development on *this* parcel, a nonresidential “creep” effect would continue on into the residential neighborhood to the north and east.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken. An access study or traffic impact study may be required at development.

Typical Uses in Existing Zoning District: R10/RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Single-family detached (210)	0.75	3.7	3	29	3	4
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Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.75	0.56	1,829	62	8	8

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.75			33	5	4

Maximum Uses in Existing Zoning District: R10/RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.75	3.7	3	29	3	4

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (912)	0.75	0.4	13,068	3,222	162	598

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
--	0.75			3,193	159	594

METRO SCHOOL BOARD REPORT

Projected student generation* 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity - Students would attend McGavock Elementary School, Two Rivers Middle School, or McGavock High School. McGavock High School has been identified as not having capacity by the Metro School Board, but the adjacent clusters of Glencliff and Stratford do have capacity. This information is based upon data from the school board last updated February 2006.

*School generation numbers based on the assumption of a maximum density of six (6) 3,750 square foot single-family lots and two (2) duplex lots, which would be allowed within ON zoning on this property.

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

Mr. Dick Davis, 107 McGavock Pike, spoke in opposition the zone change request.

Ms. Nielson stated she agreed with staff recommendation.

Mr. McLean stated he agreed with staff recommendation.

Mr. Clifton stated he agreed with staff recommendation.

Mr. Loring stated he was in favor of the request. He stated that the majority of residents were in favor of approving the ON zoning due to tenant issues.

Mr. Clifton moved and Mr. Nielson seconded the motion, to adopt staff recommendation and to disapprove Zone Change 2006Z-089U-14. **(7-1) No Vote - Loring**

Resolution No. RS2006-198

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-089U-14 is **DISAPPROVED. (7-1)**

The proposed ON district is not consistent with the Donelson/Hermitage Community Plan’s Mixed Housing in Neighborhood General policy, which is intended for a variety of residential development types.”

XI. PRELIMINARY SUBDIVISION PLATS

- 10. 2006S-143G-06**
Fox Hollow Farms, Phase 3
Map 177, Parcels 032, 033, 035, 036, 039
Map 178, Parcel 069
Subarea 6 (2003)
District 35 - Charlie Tygard

A request for preliminary plat approval to create 10 lots in the Fox Hollow Farms subdivision located on a private drive, Fox Vale Lane, off of Highway 96 (50.49 acres), zoned AR2a, requested by Charlie B. Mitchell Jr, Michael J. Burr, James and Leslie Cromwell, and John and Donna Woods Jr., owners, Fulghum, MacIndoe & Associates, engineer/surveyor.

STAFF RECOMMENDATION – Defer

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision 2006S-143G-06 indefinitely at the request of the applicant. (7-0)

-
- 11. 2006S-187G-06**
Spring Valley, Sec. 2
Map 128, Parcel 108
Subarea 6 (2003)
District 22 - Eric Crafton

A request for preliminary plat approval to create 2 lots on property located at 7719 Sawyer Brown Road, approximately 3,500 feet north of Hicks Road (3.02 acres), zoned R20, requested by Mizgeen Zebari et ux, owners, Gregory E. Daniels, surveyor.

STAFF RECOMMENDATION - Disapprove

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision 2006S-187G-06 to June 22, 2006, at the request of the applicant. (7-0)

-
- 12. 2006S-199G-06**
Forte Property
Map 128-00, Parcel 073
Subarea 6 (2003)
District 22 - Eric Crafton

A request for preliminary plat approval to create 1 lots on property located at an extended Summit Oaks Court, approximately 1,060 feet west of Old Hickory Boulevard, (2.72 acres), zoned R20, requested by V.T. Forte, Jr., owner, Barge, Waggoner, Sumner & Cannon, surveyor.

STAFF RECOMMENDATION – Approve with conditions

APPLICANT REQUEST - Preliminary Plat

A request for preliminary plat approval to create 1 new lot on an extension of Summit Oaks Court, west of Old Hickory Boulevard (2.72 acres)

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 the subdivision will create one new 43,994 square foot (1.01 acre) lot.

Access - As proposed the request will extend Summit Oaks Court, providing a possible connection between Summit Oaks PUD and Still Spring Ridge PUD. Access for the lot will be provided from the extension of Summit Oaks.

Temporary Turn Around - As proposed a temporary turnaround will be provided at the western end of the Summit Oaks Court extension. The proposed turn around will be partially provided off site, within an easement. The easement proposed for the turn around must be recorded with the final plat, or prior to this final plat being recorded.

Topography - While the proposed lot contains some slopes greater than 25 percent the lot is exempt from the hill side development standards (Section 17.28.030) of the Metro Zoning Code because the lot is greater than one acre in size.

STORMWATER RECOMMENDATION

1. Add the following to sheet C7.00. These various requirements are scattered amongst the various sheets.
 - a. Add the subdivision number, i.e., 2006S-199G-06, to the plat.
 - b. Add the standard preliminary note: "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application."
 - c. Show existing topography.
 - d. Add the standard buffer note: "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."

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. Plan proposes pre-split retaining walls along public ROW. Submit geotechnical report with specific design parameters for retaining wall, prior to submittal of construction plans.
3. All Retaining or split face walls must be located outside of the ROW and maintained by the Homeowner's Association.
4. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Conduit for street lighting is required in the GSD.

CONDITIONS

1. Prior to this plat being recorded, the final plat for Woodbury, Phase II, 2006S-216G-06, must be approved and recorded.
2. The easement proposed for the turn around must be recorded with the final plat, or prior to this final plat being recorded.
3. All Public Works' comments above must be addressed, and construction plans must be approved by Public Works prior to the final plat being recorded.
4. All Stormwater comments above must be addressed prior to the final plat being recorded.

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

Resolution No. RS2006-199

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-199G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to this plat being recorded, the final plat for Woodbury, Phase II, 2006S-216G-06, must be approved and recorded.

2. The easement proposed for the turn around must be recorded with the final plat, or prior to this final plat being recorded.
3. All Public Works' comments above must be addressed, and construction plans must be approved by Public Works prior to the final plat being recorded.
4. All Stormwater comments above must be addressed prior to the final plat being recorded."

XII. FINAL PLATS

13. 2006S-185G-02

Quail Ridge, Phase 1, Sec. 7, First Rev.
Map 032-00, Parcel Part of 11
Subarea 2 (1995)
District 3 - Carolyn Baldwin Tucker

A request to revise a final plat to remove the sidewalk on the south side of Indian Summer Drive from 4904 to 4956 Indian Summer Drive, north of the intersection of Indian Summer Drive and Quail Ridge Drive, (16.07 acres), zoned R20, requested by The Developers a Joint Venture, Michael Moore, Misty and Phillip Nevils, Preston and Tara Shaw Jr., Aaron and Patricia Wynn, John and Taronda Frierson, Ileta Beasley, Kirk and Cynthia Galbreath, Kevin and Gina Parsons, owners, Barge Waggoner Sumner and Cannon, engineer/surveyor.

STAFF RECOMMENDATION – Approve with conditions

APPLICANT REQUEST - Final Plat

Request to remove the sidewalk on the south side of Indian Summer Drive from 4904 to 4956 Indian Summer Drive, north of the intersection of Indian Summer Drive and Quail Ridge Drive.

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

Sidewalk Removal - The applicant has requested that the sidewalks be removed from the final plat. The plat was recorded in August 2005, with sidewalks shown on the south side of Indian Summer Drive. The applicant has stated that sidewalks were mistakenly shown on the final plat. Sidewalks were not shown on the preliminary plat or construction documents.

Staff recommends approval to remove the sidewalks since sidewalks would not be required today with final platting of these lots. The zoning is R20 and each lot is proposed for 20,000 square feet or greater. Section 2-6.1 A(2) of the Subdivision Regulations state that "sidewalks are not required on new streets in residential subdivisions where the base zoning district requires a minimum lot area of at least 20,000 sq. ft. and the area of each lot to be platted remains 20,000 sq. ft. or greater."

STORMWATER RECOMMENDATION - Approved except as Noted.

1. Add the subdivision number, i.e., 2006S-185G-02, to the plat.
2. Add the standard Access Note: "Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Storm water facilities within the property."

PUBLIC WORKS RECOMMENDATION - Exception Taken.

Comply with conditions of approved plan. Provide copy of approved plan and conditions. Future subdivision of property in this development may require a new TIS.

CONDITIONS

1. Prior to recordation, all Public Works and Stormwater comments and conditions for public infrastructure and/or right of way.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.

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

Resolution No. RS2006-200

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-185G-02 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to recordation, all Public Works and Stormwater comments and conditions for public infrastructure and/or right of way.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.”

14. 2006S-191U-08

North Nashville Real-Estate Company, Resub.
Lots 418, 420, & 422
Map 081-08, Parcel 196
Subarea 8 (2002)
District 19 - Ludy N. Wallace

A request for final plat approval to create 3 lots on property located at 1811 7th Avenue North, approximately 330 feet north of Buchanan Street (0.43 acres), zoned R6, requested by Alpha Development Co., owner, Campbell McRae & Associates Inc., surveyor.

STAFF RECOMMENDATION – Approve with conditions

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-191U-08 to June 22, 2006, at the request of the applicant. (7-0)

15. 2006S-194A-14

Lakeshore, Phase 2a, Lot 202
Map098-09-0-A, Parcel 085
Subarea 14 (2004)
District 12 - Jim Gotto

A request to permit a detached garage at 5445 Mainsail Lane, approximately 730 feet southwest of Regatta Blvd. (0.19 acres), zoned RS15, and within a Planned Unit Development, requested by Terry and Connie Kibler, owners, Robert Brian Wray, surveyor.

STAFF RECOMMENDATION – Approve

APPLICANT REQUEST - Setback Amendment

A request to permit a detached garage at 5445 Mainsail Lane.

Zoning

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

DETAILS - The request is to amend the side yard and rear yard setback to allow for the placement of a detached garage. As proposed the garage would be at its closest, three feet (3 ft.) off the side (west) property line, and 5 feet (5 ft.) off the rear (south) property line, and approximately 18 feet north of John Hagar Road.

Setback Requirements (17.12.040.1.b) - Section 17.12.040.1.b of the Metro Zoning Code stipulates that accessory buildings of six hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet), and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet.

Planned Unit Development (PUD) - 61-74-G-14

This request is within the Lakeshore Planned Unit Development. This lot was recorded with a minimum side yard setback of five feet, and a minimum rear setback of twenty feet.

Staff Concerns - Typically this request would not require approval from the Planning Commission because it is in keeping with setback requirements for accessory structures stipulated in the Metro Zoning Code (see above); however, because it is in a PUD with approved setbacks, it must be reviewed by Planning. While staff does not have any concerns with this request, the adjacent property owner is opposed to this request. Instead of approving this request administratively, staff feels that it is more appropriate for the Planning Commission to approve or disapprove this request.

Staff Recommendation - Staff recommends that the request be approved because it is within the setback requirements for accessory structures stipulated in Section 17.12.040.1.b of the Metro Zoning Code.

STORMWATER RECOMMENDATION - No Exceptions Taken

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

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

Mr. Terry Kibler, 5445 Mainsail Lane, spoke in favor of the proposed development.

Ms. Lynn Womack, 5500 Regatta Blvd., spoke in opposition to the proposed development.

Ms. Debra Meador, 5632 Regatta Blvd., spoke in opposition to the proposed development.

Mr. Buddy Bruner, 313 Ketch Cove, spoke in opposition to the proposed development.

Mr. Robert Wray, 3312 Glencliff, spoke in favor of the proposal. He presented photos to the Commission for their review.

Mr. Clifton requested further clarification on this request.

Mr. Bernhardt explained that the Commission was to determine whether the proposed garage is consistent with the planned unit development and whether the generic accessory dwelling requirements apply within this planned unit development.

Mr. McLean stated that the original planned unit development requirements should take precedence over amended requests.

Ms. Nielson suggested that this request be deferred until the issues could be resolved between the owner and the home owners association.

Mr. Clifton mentioned that the Commission does not have any authority over restrictive covenants between owners and home owner associations.

Mr. Fox stated that restrictive covenants are between private parties and that the Commission has no jurisdiction over enforcing them.

Mr. Loring stated he was not in favor of approving this request.

Ms. Cummings moved and Mr. Clifton seconded the motion, to adopt staff recommendation to approve with conditions 2006S-194A-14. **(6-2) No Votes - Loring, Nielson**

Resolution No. RS2006-201

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-194A-14 is **APPROVED. (6-2)**”

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

- 16. 2006S-197G-02**
Quail Ridge, Phase 2, Sec. 7
Map 032-00, Parcel Part of 011
Subarea 2 (1995)
District 3 - Carolyn Baldwin Tucker

A request for final plat approval to create 25 new lots on an extended Indian Summer Drive and new Indian Summer Court, approximately 1,900 feet west of Brick Church Pike, (16.92 acres), zoned R20, requested by The Developers, a Joint Venture, owner, Barge, Waggoner, Sumner and Cannon, engineer/surveyor.

STAFF RECOMMENDATION - Disapprove

APPLICANT REQUEST -Final Plat

Request to subdivide 16.92 acres to create 25 lots on the extension of Indian Summer Drive and new Indian Summer Court, approximately 1,900 feet west of Brick Church Pike.

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

History -The preliminary plat was approved by the Commission in 1984, and later revised in 1986. The approved plan proposed this section as a part of Phase 4 with a note that stated "Reserved: Site and grading plans on these areas must be submitted to the Planning Commission prior to recording final plat." There were no lots proposed on this area since this reserve status note was placed on the plat. The lots were shown on the plat on the south side of Indian Summer Drive and on the north eastern side of Indian Summer Drive, but none were shown for this section on the plan.

Request -The current request for final plat approval for 25 lots includes 13 new lots that were not shown on the preliminary plat. The other twelve lots could be approved by final plat as they are consistent with the preliminary plat.

The 13 newly proposed lots are not consistent with Section 17.28.030 (Hillside Development Standards) since lots are proposed within areas of 25% or greater slopes. This section states that, "For lots of less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state." Also, if the applicant were to use the cluster lot option, the lots would not meet the cluster lot policy since 20% or greater slopes would be within the lots. The lot widths would also not be approved since the Metro Zoning Ordinance requires a minimum width of seventy-five feet at the building line on up slopes and parallel slopes.

Staff Recommendation -Staff recommends approval with conditions of the final plat for lots on the south side of Indian Summer Drive (lots 52-57) and lots on the northeastern side of Indian Summer Drive (lots 43-48). Lots on the northern side (lots 190-199 and lots 49-50) should not be approved with the final plat since they were never approved with a preliminary plat. Even if the applicant were to request revision of the preliminary plat, staff would not recommend approval due to the lots not meeting the Zoning Ordinance by creating lots with 25% or greater slopes.

STORMWATER RECOMMENDATION - Approved except as Noted.

1. Add the subdivision number, i.e., 2006S-197G-02, to the plat.
2. Add the standard Access Note: "Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Storm water facilities within the property."

PUBLIC WORKS RECOMMENDATION -Exception Taken.

Comply with conditions of approved plan. Provide copy of approved plan and conditions. Future subdivision of property in this development may require a new TIS.

CONDITIONS (If approved)

1. Prior to recordation, all Public Works and Stormwater comments and conditions for public infrastructure and/or right of way.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.

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

Mr. Bill Lockwood, Barge, Waggoner, Sumner & Cannon, spoke in support of the proposal.

The developer spoke in favor of the proposal.

Mr. McLean questioned whether a bond was posted for this development.

Ms. Harris explained that there were many phases to this development and the bond could have been included in the earlier phases.

Mr. McLean questioned whether the plat would be approved if it were at its preliminary stage.

Ms. Harris stated it would not be approved due to lot widths and excessive slopes.

Mr. McLean requested additional information on the setbacks included in the proposal.

Ms. Nielson questioned whether the development could be divided into two separate requests.

Mr. Bernhardt offered that a portion of the lots could be approved in the final plat. The other lots would need to be re-evaluated as preliminary. The parcel that shows the additional lots was set aside originally as a reserved parcel.

Mr. Loring stated that he was in favor of approving the requests due to the work that has already been completed. He stated he thought that the developer was under the impression he could proceed.

Mr. Tyler stated that the lots in question should be considered a new subdivision which would require a preliminary subdivision application.

Mr. Bernhardt stated that the water and sewer lines already established for this development were provided for the final plat portion of this request.

Mr. McLean requested additional information on the direction that staff would provide the developer if they were to re-submit the additional lots located on the reserved parcels for preliminary approval.

Ms. Harris explained this concept to the Commission.

Mr. McLean requested additional information regarding the open spaces, slopes and cluster lot provisions.

Mr. Lawson summarized the issues associated with the proposal to the Commission.

Mr. Clifton moved and Ms. Nielson seconded the motion, to approve staff recommendation which is to approve the final plat with conditions for lots on the south side of Indian Summer Drive that were included in the previously approved preliminary plat, but to disapprove the lots on the northeastern side of Indian Summer Drive. Prior to recording, the final plat must be revised to remove the lots that were not included in the approved preliminary plat. **(5 – 2) No Votes –**

Loring, McLean

Resolution No. RS2006-202

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-197G-02 is APPROVED FOR LOTS 43-48 AND 52-57, BUT HOLD LOTS 190-199 AND LOTS 49-51 IN RESERVE STATUS. (6-2)

17. **2006S-201G-04**
Bobby's Place
Map 052-04, Parcel 067
Subarea 4 (1998)
District 9 - Jim Forkum

A request for final plat approval to create 3 lots on property located at Cheyenne Boulevard (unnumbered), approximately 80 feet south of Manzano Road (.57 acres), zoned RS7.5, requested by Robert B. Huffine, owner, Tommy E. Walker, surveyor.

STAFF RECOMMENDATION - Approve

APPLICANT REQUEST -Final Plat

A request for final plat approval to create three lots on .57 acres, located on the southwest side of Cheyenne Boulevard, 80 feet south of Manzano Road.

Zoning

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

SUBDIVISION DETAILS - As proposed three new lots will be created out of one parcel. The lots will have approximately the following areas and frontages:

1. 8,520 sq. ft. (.19 acres), 55 ft.
2. 8,199 sq. ft. (.18 acres), 55 ft.
3. 8,893 sq. ft. (.20 acres), 181 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.

While this subdivision site abuts Arrowhead Estates to the north, the majority of the surrounding area is not developed; therefore, a lot comparability analysis was not conducted. Furthermore, if a lot comparability analysis was conducted, there would only be one (1) lot to compare with, which is the northern abutting lot, and the proposed lots are in keeping with this lot.

Sidewalks -The Sidewalk Priority Index Score for this section of Cheyenne Boulevard is 24 so sidewalks are required, and are shown on the plat.

STORMWATER RECOMMENDATION -No Exceptions Taken
PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

Approved, (8-0) *Consent Agenda*

Resolution No. RS2006-203

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-201G-04 is **APPROVED. (8-0)**”

XIII. PLANNED UNIT DEVELOPMENTS (revisions)

- 18. 2004P-013G-12**
Mill Creek Towne Centre (Formerly Legg Development Co.)
Map 181, Parcel 251
Subarea 12 (2004)
District 31 - Parker Toler

A request to revise a portion of the preliminary and for final approval for the Commercial Planned Unit Development district located along the east side of Nolensville Pike, at Concord Hills Drive, classified SCC, (1.10 acres) to permit a 3,950 square foot bank, requested by ETI Corporation, for First Tennessee Bank, owner.

STAFF RECOMMENDATION – Approve with conditions

APPLICANT REQUEST - Revision to Preliminary and Final PUD

Request to revise the preliminary plan and for final approval lot 1 of the Planned Unit Development district, located along the east side of Nolensville Pike, at Concord Hills Drive, classified SCC, (1.10 acres) to permit a 3,950 square foot bank, replacing an approved (but unconstructed)10,000 square foot retail building on this lot of the PUD plan.

PLAN DETAILS

History- The original Mill Creek Towne Centre preliminary PUD was approved by the Metro Council in July 2004, which included single family lots, townhomes, and a range of retail/restaurant uses. The final PUD was approved with conditions by the Planning Commission on March 24, 2005, for 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and grocery store uses.

The current revision to the preliminary & final PUD changes the use for lot 1 from retail to financial institution (office) use. The latter use is permitted by the underlying SCC zoning and constitutes a comparable land use to the approved retail and restaurant uses. The proposed 3,950 square foot building also falls short of the originally-approved 10,000 square foot retail building (with 40 parking spaces), and therefore can be considered a revision to the preliminary PUD.

Site Layout, Access, & Parking - The submitted PUD plan shows the building on lot 1, with associated surface parking located around it. A drive-through aisle is located on the western side. Two ingress/egress points are proposed off of

Concord Hills Drive, as in the approved PUD, and a cross access driveway stub is shown on the north side, to proposed lot 8. Lot 8's access will be limited *only* to the two access points for lot 1, as shown on these plans. In addition, a condition of approval of this revised final PUD for lot 1 is that a cross access easement and driveway shall be provided to adjacent parcel 047, on the west, from lot 8 of the Mill Creek Towne Centre PUD. Parcel 047 is zoned MUL, and cross access is of benefit to both properties.

Sidewalks - According to the applicant, the required sidewalks have already been constructed along Concord Hills Drive, and the required sidewalk along the north side of Nolensville Road has been bonded with the previous final plat. Prior to the issuance of building permits for lot 1, the sidewalk along Nolensville Road must be constructed.

STORMWATER RECOMMENDATION - Stormwater has reviewed the plans and calculations and found them to meet the requirements of Volume 1 of the Stormwater Management Manual. This development is recommended for approval of a grading permit.

PUBLIC WORKS RECOMMENDATION - 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.

FIRE MARSHAL RECOMMENDATION

1. Fire hydrants should flow at least 1,250 GPM's at 40 psi residual.
2. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.

CONDITIONS

1. Lot 8's access will be limited only to the two access points for lot 1, as shown on the final PUD plans for lot 1.
2. On the Mill Creek Towne Centre final PUD for lot 8, a cross access easement and driveway shall be provided to adjacent parcel 047, on the west.
3. Prior to the issuance of building permits for lot 1, the sidewalk along the frontage of this property with Nolensville Road must be constructed.
4. Prior to final PUD approval, all Fire Marshal's Office conditions listed above shall be met.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. Approvals within public right of way are subject to Public Works' review and approval of construction plans.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

Resolution No. RS2006-204

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Lot 8's access will be limited only to the two access points for lot 1, as shown on the final PUD plans for lot 1.

2. On the Mill Creek Towne Centre final PUD for lot 8, a cross access easement and driveway shall be provided to adjacent parcel 047, on the west.
3. Prior to the issuance of building permits for lot 1, the sidewalk along the frontage of this property with Nolensville Road must be constructed.
4. Prior to final PUD approval, all Fire Marshal's Office conditions listed above shall be met.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. Approvals within public right of way are subject to Public Works' review and approval of construction plans.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

XIV. OTHER BUSINESS

19. Request to extend expired preliminary plat for Windstar Estates Subdivision. Applicant requests that the Commission waive its rules and extend the preliminary plat until December 11, 2006.

STAFF RECOMMENDATION – Consider the request on its merits.

Ms. Harris presented and stated that there is a request to reinstate an expired preliminary plat.

Mr. Bill Lockwood, Barge Waggoner, Sumner & Cannon, spoke in support of the extension.

Mr. Russell Rymer, 381 White Oak Road, spoke in favor of the extension.

Councilmember Brown spoke in opposition to the extension. He gave a brief history on this development and requested that the extension be denied by the Commission.

Mr. Roy Dale, 1657 Stokely Lane, spoke in opposition to the extension.

Ms. Susan Meece, 348 Rayon Drive, spoke in opposition to the extension.

Ms. Nielson stated she agreed that a new preliminary plat should be submitted for review.

Mr. McLean agreed that a new preliminary plat should be submitted for review due to environmental issues associated with the development.

Mr. Lawson spoke of the issues associated with the original submittal of this development. He suggested that the Commission evaluate and compare this request with others in which the Commission did approve extension request.

Mr. Bernhardt gave a brief history of other requests that the Commission has granted in the past.

Mr. McLean offered that there was a lack of communication between the developer and the community and suggested that the request be deferred to allow additional time for community meetings.

Mr. Lawson stated that the Commission really could not defer this request.

Mr. Bernhardt stated that the plat has expired and has been since December 11, 2005.

Mr. Tyler offered that if the original developer did not sell, it would be possible that the plat would still be active and the extension would not be necessary.

Mr. Loring moved and Mr. Clifton seconded the motion, to deny to request to extend the Preliminary Plat for Windstar Estates. **(6-1) No Vote – Jones**

Resolution No. RS2006-205

“BE IT RESOLVED by The Metropolitan Planning Commission that the Request to extend the Windstar Estates Subdivision preliminary plat was **DISAPPROVED. (7-1)**”

20. Executive Director Report

21. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Chairman

Secretary

Equal Employment Opportunity Employer



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