



**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 22, 2006*

\*\*\*\*\*

**4:00 PM**

***Howard School Auditorium, 700 Second Ave., South***

**PLANNING COMMISSION:**

James Lawson, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
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  
Joni Priest, Planner I

**Commission Members Absent:**

Ann Nielson

**I. CALL TO ORDER**

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

**II. ADOPTION OF AGENDA**

Ms. Hammond announced there was one correction to the agenda. Item #12, 2006S-200G-14, River Landing (formerly Windstar Estates) should read: "A request for concept plan approval to create **85 lots** on property located at 805 Swinging Bridge Road", not 92 lots.

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

**III. APPROVAL OF JUNE 8, 2006 MINUTES**

Mr. Loring moved and Ms. Jones seconded the motion, which passed unanimously to approve the minutes of June 8, 2006. (7-0)

Mr. Lawson presented a plaque to Mr. Doug Small to honor him for his years of service with the Planning Commission. He explained that Mr. Small served eight years with the Commission and of the eight years, he served as Vice Chairman for seven. He stated that the Commission was honored to work with Mr. Small and that Nashville should be very proud of his service to the City.

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Shulman spoke in favor of Item #1, 2005SP-119U-10, Castelman Drive SP. He briefly explained the history of this zone change request and stated that he and the neighbors will continue to work through its process. He stated that the proposal will be heard at the July 6, 2006, Public Hearing and requested that the Commission move for its approval.

He acknowledged that Item #6, 2006SP-007U-10 was on the Deferred Agenda due to additional technical review. Councilmember Shulman then spoke in favor of Item #13, 2006S-206U-10, Seven Hills Subdivision. He acknowledged that it was staff's recommendation was to disapprove, however, due to the favorable support of those neighbors affected by the plan, he requested that it be approved. He explained that the developer has worked with the community and has agreed to subdivide the land to place two single-family homes on the parcels which would better suit the community.

Councilmember Coleman acknowledged that Item #5, 2004SP-090G-12 was on the Deferred Agenda and briefly mentioned its progress. He then wished Commissioner Small the best in his future endeavors, and that thanked him for his service to Nashville.

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

- 5. 2004SP-090G-12 Request to change from AR2a to SP property located at 5748 Pettus Road, on the west side of Preston Road, (41.44 acres) to permit 74 single-family lots – deferred to July 27, 2006 at the request of the applicant
- 6. 2006SP-007U-10 Glen Echo - Request for final development plan approval for property located at 1737, 1741 and 1745 Glen Echo Road, approximately 140 feet east of Hillmont Drive (3.07 acres), to permit 12 single-family lots – deferred to July 13, 2006 at the request of the applicant
- 11. 2006Z-098G-12 Request to change from AR2a to RS15 zoning property located at 5954 Mt. Pisgah Road – deferred indefinitely at the request of the applicant
- 20. 2005P-030G-14 Ravenwood Community, Phase 1 - Request for final approval for a phase of a residential Planned Unit Development located on the north side of Stones River Road (unnumbered), to permit the development of 55 single-family lots – deferred to July 13, 2006 at the request of the applicant

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

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

- VII. 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.** - Approve  
(Deferred from June 8, 2006)

- VIII. A REQUEST TO AMEND THE DOWNTOWN COMMUNITY PLAN (SUBAREA 9) TO ADD LANGUAGE BUILDING FORMS AND BUILDING RELATIONSHIP TO THE STREET IN THE GULCH AREA (MINOR AMENDMENT)** - Approve

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

- 2. 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 (33.25 acres), to permit a maximum of 570 residential units and 430,000 square feet of office and commercial uses - Approve w/conditions

#### **ZONING MAP AMENDMENTS**

- 7. 2006SP-010G-06 Request for final development approval to construct 16 cottages and 19 townhouses, located at 6949 Highway 70 South and Highway 70 South (unnumbered) - Approve w/conditions

#### **CONCEPT PLANS**

- 14. 2006S-209G-02 Hidden Springs, Phase III - Request for concept plan approval to create 18 lots on a portion of property located at 4045 Dickerson Pike - Approve w/conditions

**PLANNED UNIT DEVELOPMENTS (revisions)**

16. 135-78-G-14 Sullivan Commercial Center, Section 4 - Request for a revision to the preliminary and for final approval for a portion of the undeveloped Commercial Planned Unit Development located on the east side of Andrew Jackson Parkway, north of Old Hickory Boulevard, to permit the development of a 7,160 square foot medical and office use - Approve w/conditions
18. 97P-027G-06 Woodbury, Phase 2 - Request for final approval for a portion of the Residential Planned Unit Development district located along the west side of Old Hickory Boulevard, to permit 11 single-family lots - Approve w/conditions
19. 2004P-028G-13 Old Hickory Commons (Formerly Vaughn Property Pud) - Request for final approval for a Planned Unit Development district located on the west side of Old Hickory Boulevard, to permit 343 multi-family units and 19 single-family lots - Approve w/conditions

**OTHER BUSINESS**

21. A new employee contract for Russell Scott Adams and an amended contract for Matt Meservy. - Approve

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

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve the Consent Agenda. (8-0)

**VII. 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 from June 8, 2006)**

**APPLICANT REQUEST** - 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.

**PUBLIC PARTICIPATION** - Staff held a community meeting on April 13, 2006, which was attended by approximately 25 people. Some of those present at the meeting expressed some concern about the uses that may be encouraged by the proposed CC policy. Staff met again with the community on May 23<sup>rd</sup> to present an SP zoning to approximately 18 people that prescribed uses within the proposed CC policy area. Virtually all of the people present at the meeting expressed agreement with the amendment and uses allowed within the proposed SP area.

**Land Use Policies**

**Residential Medium High (RMH)** - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, including attached townhouses and walk-up apartments.

**Community Center (CC)** - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

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

Policy categories are typically mirrored across a major corridor such as Bell Road. In this case, however, RMH policy has been applied to undeveloped property directly across the street from commercially-zoned and policed properties. While higher-density residential and commercial developments may be compatible across a major arterial, it makes more sense to allow similar uses and intensities along both sides of this portion of the corridor to achieve a cohesive and balanced development pattern.

The area in question is well suited for the mixture of uses encouraged by CC policy, with good access to the major street and freeway systems. The property is highly visible and lacks environmental constraints. The surrounding residential neighborhoods are healthy and diverse. The proposed SP provides a transition from mixed-use development along Bell Road to strictly residential development that is compatible with adjacent neighborhoods.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2006-206**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 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 is APPROVED. (7-1)”**

**VIII. A REQUEST TO AMEND THE DOWNTOWN COMMUNITY PLAN (SUBAREA 9) TO ADD LANGUAGE BUILDING FORMS AND BUILDING RELATIONSHIP TO THE STREET IN THE GULCH AREA (MINOR AMENDMENT)**

**APPLICANT REQUEST** - Amend the Subarea 9 Masterplan: 1997 Update by adding language regarding street hierarchy, parking structure street frontage, maximum and minimum heights at the street, and maximum overall height in the portion of SubArea 9 bounded on the north and east by 11<sup>th</sup> Avenue South, Gleaves Street and the railroad lines, and bounded on the south and west by the alley between Broadway and McGavock Street and Interstates 40 and 65 – the area commonly referred to as The Gulch.

**Existing Land Use Policies**

**Core Frame (CF)** - The Core Frame zoning (CF) district is intended to implement the General Plan’s Central Business District land use policies for support services. The CF district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

**ANALYSIS** - The Design Studio has completed a study to shape Metro’s policy on the appropriate form of development between the downtown railroad lines and the west interstate loop, the area known as “the Gulch.” The study area is bounded on the north and east by 11<sup>th</sup> Avenue South, Gleaves Street and the railroad lines, and bounded on the south and west the alley between Broadway and McGavock Street and Interstates 40 and 65 (See Figure 1). The study considered existing plans and policies, zoning entitlements, and physical conditions as well as recently-approved development and examples from other cities. Three development scenarios were produced to represent typical properties within the study area.

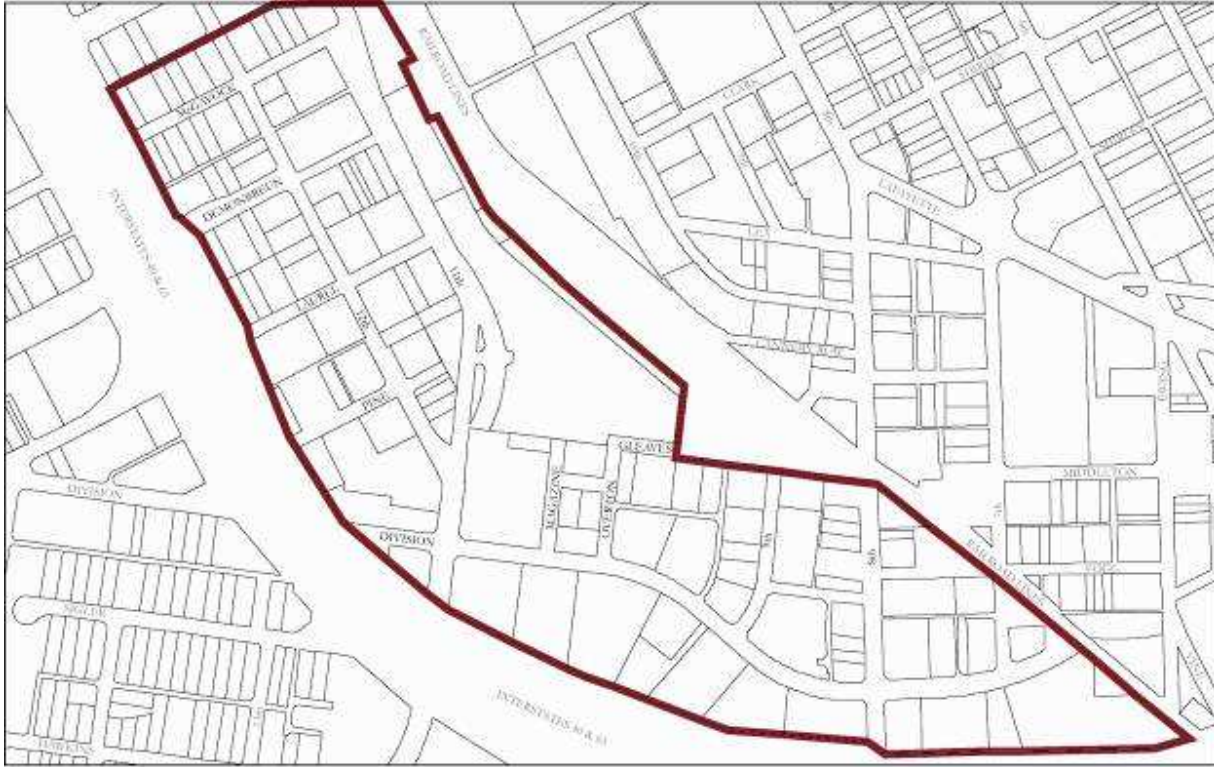
The railroad gulch has long been a prominent fixture in Downtown Nashville’s landscape. The low-lying area west of downtown was the center of transportation for a century. As the city became more auto-centric, the streets of the Gulch neighborhood have evolved into primary connections between Downtown and Midtown.

Several plans have envisioned the future of the Gulch, including the Subarea 9 Center City Plan (1997), the Gulch Redevelopment Plan (2003), and the Plan of Nashville (2005). All are in agreement that the Gulch is the link between Midtown and Downtown. The neighborhood is envisioned as a unique mid-rise, mixed-use and pedestrian-friendly neighborhood with an industrial and modern aesthetic. The Gulch Plan advises that “new buildings should not exceed five stories in height except at key locations.” The Demonbreun Street corridor is identified as the major link between Downtown and Music Row. Also, 12<sup>th</sup> and 8<sup>th</sup> Avenues South connect Downtown to neighborhoods to the north and south. These documents also anticipate a return to rail travel, and expect the Gulch to be a vibrant neighborhood, once again centered on mass-transit.

The results of the Design Studio’s study and the recommendations made by other formal and informal studies are the basis for the minor text amendment to the SubArea 9 Masterplan: Update 1997. In order to clarify the intention of the SubArea 9 Masterplan: 1997 Update, regarding the nature of development in this area, the new text establishes guidelines for activating streets, appropriate locations for higher structures at the street, neighborhood focal points, urban fabric buildings, and the character of potential development along the railroad lines for the portion of SubArea 9 bounded on the north and east by 11<sup>th</sup> Avenue South, Gleaves Street and the railroad lines, and bounded on the south and west by the alley between Broadway and McGavock Street and Interstates 40 and 65 – the area commonly referred to as The Gulch.

**NOTE: A complete copy of the study is enclosed with the Commissioners' copies of this staff report.**

The proposed amendment consists of changing the *Subarea 9 Masterplan: 1997 Update* by adding the Gulch Study document – text, drawings and images – as an appendix.



The Gulch Study Area

Figure 1

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2006-207**

“BE IT RESOLVED by The Metropolitan Planning Commission that A REQUEST TO AMEND THE DOWNTOWN COMMUNITY PLAN (SUBAREA 9) TO ADD LANGUAGE BUILDING FORMS AND BUILDING RELATIONSHIP TO THE STREET IN THE GULCH AREA (MINOR AMENDMENT) is **APPROVED. (8-0)**”

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

**ZONING MAP AMENDMENTS**

- 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 Castelman 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**

**APPLICANT REQUEST** - A request to change approximately 51.66 acres from residential single-family and duplex (R15 and R20) and residential single-family (RS7.5) to Specific Plan (SP) district properties along the southeast side of Kirtland

Avenue, both sides of Farrar Avenue and Hood Avenue, and both sides of Castleman Drive between Hillsboro Pike and Lone Oak Road. The Castleman SP would prohibit new duplexes, permit property owners with 45,000 sq. ft. lots or parcels at the time of adoption of the SP to subdivide and apply basic development standards as described below.

#### **Existing Zoning**

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

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

**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 percent 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.

#### **SUBAREA 10 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 town homes and other forms of attached housing may be appropriate.

**Policy Conflict** - No. The area encompassed by the Castleman SP has a *current* density of 1.68 dwelling units per acre, below the recommended residential density of two to four dwelling units per acre. The Castleman SP proposes that no new duplexes be permitted, but does allow for six existing properties to be subdivided. Even if all of these properties subdivide, in accordance with Metro Nashville Subdivision Regulations, the net effect of new single-family homes will not exceed the two to four dwelling units per acre recommended by RLM policy.

In addition to the RLM land use policy applied by the Green Hills/Midtown Community Plan, the Castleman neighborhood is also highlighted under Goal 2, “Preserve and protect established residential areas.” The Castleman area is today primarily single-family in nature, a context that would be preserved with the Castleman SP since it proposes to prohibit future duplexes. The Castleman SP also proposes standards for setbacks, massing, and building materials. Each of these standards was drafted to preserve the existing character of the neighborhood.

**Other Issues** - Staff has received request from property owner(s) to remove their property from the request. The zoning application was filed by the district Councilmember, however, so as the applicant, only the Councilmember can remove properties from this zoning request.

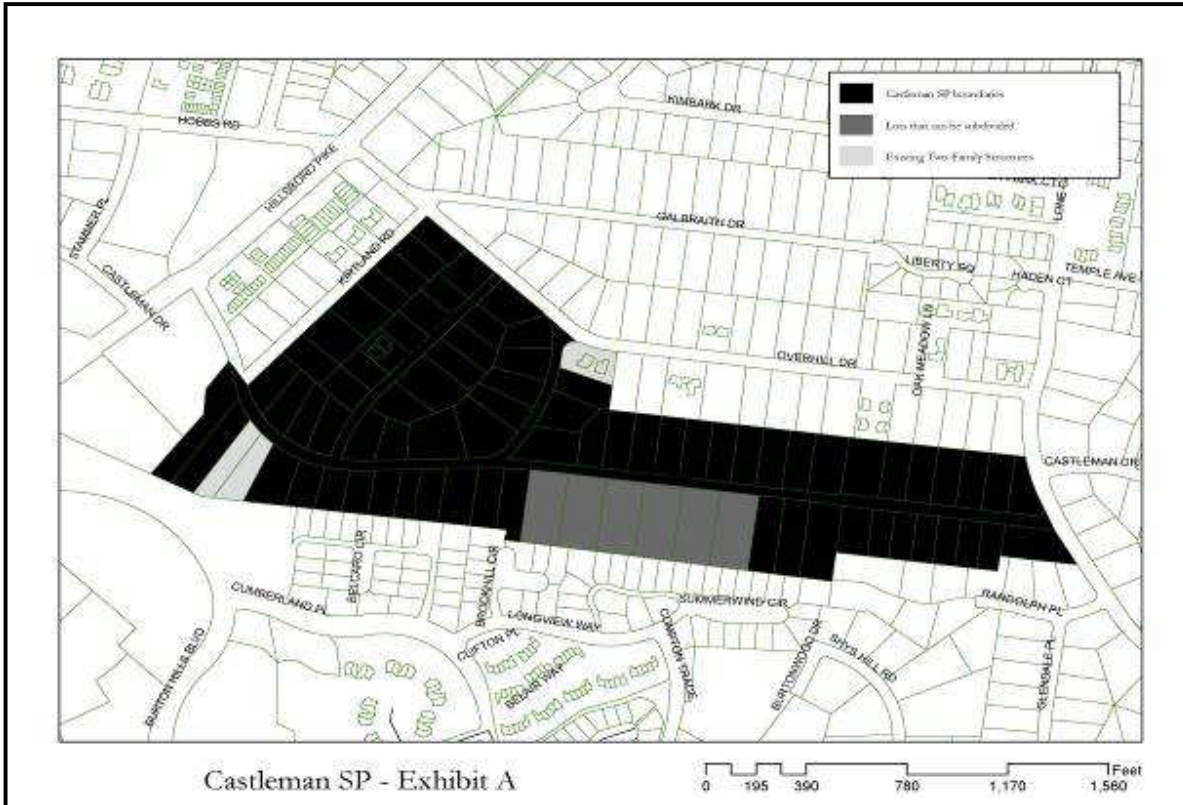
**Preliminary Plan Details Overview** - The Castleman SP is intended to create a compromise between Castleman-area neighbors interested in downzoning to prohibit additional duplexes and other neighbors interested in retaining some development entitlements.

**Land uses** - Single-family residential use is permitted. All other uses shall be as permitted in RS15 zoning. No duplexes shall be permitted.

**Subdividing Lots** - Only lots or parcels 45,000 sq. ft. or larger at the adoption of the original Castleman SP may be subdivided. Exhibit A of the Castleman SP indicates which lots are eligible to be subdivided.

Within the Castleman SP, lots or parcels may be subdivided subject to the Subdivision Regulations of Metropolitan Nashville/Davidson County and the following standards:

1. Lot area. Using a modified assessment of lot comparability from Section 3.5 of the Subdivision Regulations, 75 percent of the average lot area in the Castleman SP is found to be 19,163 sq. ft. This will be considered if exceptions to lot area comparability are requested with future subdivision applications.
2. Lot frontage. Using a modified assessment of lot comparability from Section 3.5 of the Subdivision Regulations, 90 percent of the average lot frontage in the Castleman SP is found to be 109 ft. This will be considered if exceptions to lot frontage comparability are requested with future subdivision applications.



**Building types and related development standards - Single-family structures**

**Maximum height** - The maximum height of homes shall be 24 feet from natural grade to the bottom of the eave measured at the property's front setback line; habitable space shall be permitted in an attic.

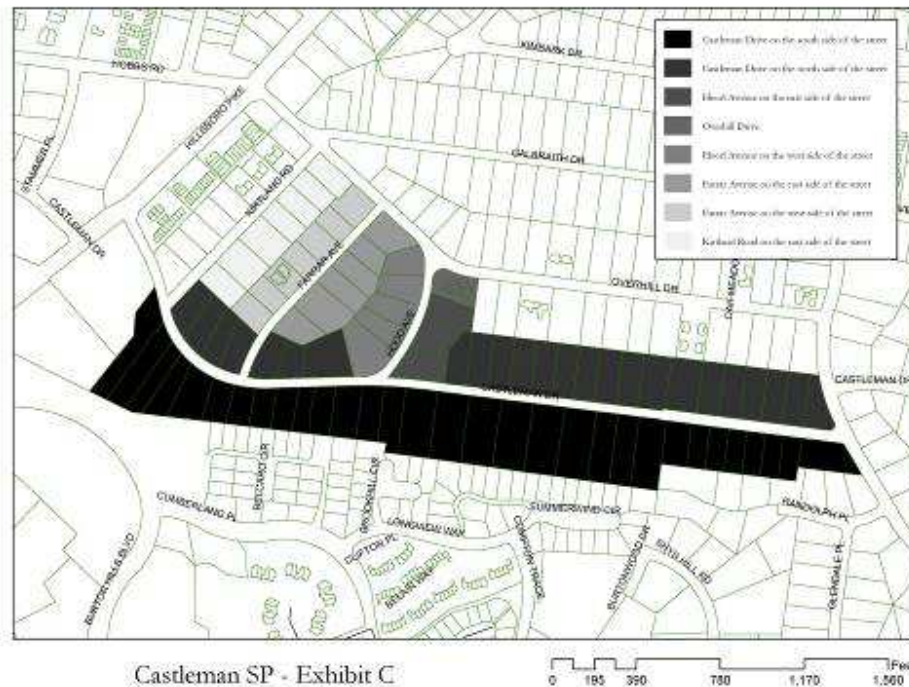
**Maximum floor area** - The maximum total floor area, including garage floor area, but excluding basements shall be 25 percent of the lot area or 6,500 sq. ft., whichever is less.

**Setbacks, front**

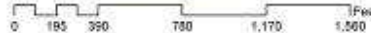
1. For lots fronting onto Castleman Drive on the south side of the street, the minimum front setback shall be the average of the street setback of the lots immediately abutting on either side of the lot or 100 ft., whichever is less, but in no case shall it be less than 85 ft.;
2. For lots fronting onto Castleman Drive on the north side of the street, the minimum front setback shall be the average of the street setback of the lots immediately abutting on either side of the lot or 75 ft., whichever is less, but in no case shall it be less than 70 ft.;
3. For lots fronting onto Kirtland Road on the east side of the street, the minimum front setback shall be 90 ft.;
4. For lots fronting onto Farrar Avenue on the east side of the street, the minimum front setback shall be 80 ft.;
5. For lots fronting onto Hood Avenue on the west side of the street, the minimum front setback shall 40 ft.;
6. For lots fronting onto Hood Avenue on the east side of the street, the minimum front setback shall be 90 ft.;
7. For lots fronting onto Hood Avenue on the west side of the street, the minimum front setback shall be 80 ft.;
8. For lots fronting onto Overhill Drive, the minimum front setback shall be 40 ft.

The exhibit to the left diagrams which properties front onto which streets to determine setback requirements.





Castleman SP - Exhibit C



**Setbacks, rear** - The rear setback shall be 20 ft. Section 17.12.040.E.1 (Permitted Setback Obstructions, Accessory buildings) shall not apply.

**Setbacks, side** - The side setback shall be 10 ft.; Section 17.12.040.E.1 (Permitted Setback Obstructions, Accessory buildings) shall not apply;

**Spacing between structures** -If subdivision of a lot results in lots where structures are built in tandem (one behind the other), the minimum spacing between structures shall be 40 ft.

**Home orientation** - All homes shall be oriented to the street as required in Section 16.04.240 of Metropolitan Code.

**Landscape preservation** - Existing landscaping on a lot shall be preserved in its natural state insofar as practical by minimizing any grade changes, vegetation removal and soil removal, except as needed for stormwater regulation compliance. A landscape plan shall accompany the development plan per the provisions of Section 17.24.020 to fulfill the requirements of that chapter.

**Building materials** - No vinyl or aluminum siding shall be allowed.

**Fences** - Chain link fences shall only be permitted behind the rear most point of the principal structure.

**Garages** - If detached, the garage shall be placed behind the primary structure. If attached, any front-loading garage shall be recessed from the front façade of the primary structure by a minimum of 15 ft.; If attached, any rear- or side-loading garage may, at most, be flush with the front façade of the principle structure, excluding porches and stoops.

**Driveways** - When subdivision of parcels occurs and additional homes are added, shared driveways are encouraged to reduce curb cuts and impervious surface.

**All other development standards** - All other development standards not addressed in this SP district shall be as listed for the RS zoning district where the minimum lot size most closely resembles the lot size of the parcel to be developed.

**Building types and related development standards - Two-family structures**

**Two-family structures** - A structure containing a legal two-family use within the Castleman SP district upon adoption of the original Castleman SP district (see Exhibit A) may be restored within one year of damage or destruction subject to the regulations listed under “Single-family homes” with the exception of maximum floor area regulations below; Where fifty (50) percent or more of the floor area of the building or structure is damaged or destroyed, then the restored or rebuilt structure shall conform to the regulations listed above under “Single-family homes” with the following exceptions:



**Maximum floor area** - The maximum total floor area for a two-family structure including garage floor area, but excluding basements shall be 8,000 sq. ft.;

**Detached** - The two-family structure shall be rebuilt as two detached dwelling units separated by at least ten feet, provided that the distance can be less than ten feet if the facing walls on both units are rated according to the Standard Building Code as adopted by the Metropolitan Government pursuant to Chapter 16.08 of the Metropolitan Code of Laws.

**RECENT REZONINGS** - Yes. The property at 4211-A Farrar Avenue (.45 acres) was rezoned from R15 to RS7.5 in January, 2006.

**TRAFFIC** - No Exceptions Taken

**METRO SCHOOL BOARD REPORT** - The creation of new students is negligible.

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

Ms. Mary Ann Johnson, 4206 Farrar Avenue, spoke in opposition to the proposal.

Mr. Jim Armstrong, 2013 Castleman Drive, spoke in opposition to the proposal.

Ms. Ann Dale, 4207 Hood Avenue, spoke in opposition to the proposal.

Ms. Becky Sharp, 2024 Castleman Drive, mentioned her property and asked how the zone change may affect it.

Ms. Ann Morris, 4206 Kirkland Avenue, spoke in support of the proposal.

Mr. Ponder requested clarification on future rezonings that could take place on the six lots located on Castleman Drive, as well as the two duplex lots if the request was approved.

Ms. Carlat explained this concept to the Commission.

Mr. McLean acknowledged that the information just offered by Ms. Carlat should answer the question posed by the constituent regarding her lot.

Mr. McLean then requested additional information on specifications, if a potential rebuilding was necessary.

Ms. Carlat explained this concept to the Commission.

Mr. McLean commented that property owners should have the right to opt out of a rezoning if they did not want to be included.

Mr. Clifton spoke of the valiant efforts made by the Councilmember to protect overall character of several neighborhoods. He stated that the SP zoning was a good planning tool and could make sense for this area. However, he acknowledged that due to the various types of homeowners within the perimeter, and their specific needs, the request could be difficult to enact for the entire area.

Ms. Cummings stated she would like to see those constituents be given the opportunity opt out of the rezoning if they did not want to participate.

Mr. Tyler requested clarification on the SP zoning and whether it was similar to the R to RS zone change requests made in this area.

Ms. Carlat explained that the SP zoning was very similar. She stated that it was a down zoning with additional development standards that address massing and setbacks, building materials, etc.

Mr. Bernhardt explained that last year the Commission heard an application to rezone this same area from R to RS and that this application was deferred at Council. He then stated that the Councilmember refined his request by utilizing the SP zoning which contains additional development standards for this particular area, which are not included in the blanket R to RS rezoning.

Mr. Tyler then requested additional information on the potential developments for these properties, if they were not subject to SP zoning.

Ms. Carlat explained this concept to the Commission.

Mr. Loring spoke in favor of the plan. He stated it will deliver protection to the neighborhood now, and over time. He offered that, he was sure that the Councilmember would continue to work with those who did not want to participate in the rezoning.

Mr. Loring moved and Mr. Ponder seconded the motion to approve 2005SP-119U-10.

Mr. McLean suggested that the motion include a note that the Commission heard from residents wanting to opt out of the rezoning and that the Commission encourages this option.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve 2005SP-119U-10. **(7-1)<sub>1</sub> No Vote – Tyler**

The Metro Planning Commission heard from several property owners that requested they be deleted from the proposed rezoning.

#### **Resolution No. RS2006-208**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-119U-10 is **APPROVED. (7-1)**

**The proposed SP district is consistent with the Green Hills Midtown Community Plan’s Residential Low Medium policy, which is intended for residential development with a density of between two and four units per acre.”**

#### **2. 2006SP-079U-13**

Rural Hill Road SP

Map 149-00, Parcels 119, 120, 121, 122, 123, 124, 25, 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**

**APPLICANT REQUEST** - A request to change 33.25 acres from Residential (R15) to Specific Plan (SP) zoning, located within the property bounded by Bell Road, Rice Road, and Rural Hill Road, to the south of an existing strip commercial development along Murfreesboro Pike, to permit a maximum of 570 residential units and 430,000 square feet of office and commercial uses.

#### **Existing Zoning**

**R15 district** - R15 requires a minimum lot size of 15,000 square feet and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. Under the existing zoning, a maximum of 102 units 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

**Residential Medium High (RMH)** - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, including attached townhouses and walk-up apartments.

**Policy Conflict** - Yes. While the residential portion of this SP conforms to the existing policy, office and commercial uses that are in conflict with RMH are also proposed. Please see associated case 2006CP-09-13 for proposed plan amendment details.

### **Preliminary Plan Details**

**Overall Site Plan** - This SP is being placed on 21 individually-owned properties in the Antioch area. The plan has been designed with an understanding of existing parcel lines, but multiple parcels will likely need to be consolidated at a time in order to realize the vision established by the plan. The plan promotes incremental growth that results in coordinated and compatible design features, as if all of the properties were to develop under a single ownership.

**Goals and Objectives** - Staff met with the property owners at the request of the Councilmember during the week of February 20<sup>th</sup> to determine their vision for the development of the area. Balancing the property owners' vision with an understanding of the existing policy and conditions in the area, staff developed Goals and Objectives that guided the development of the Illustrative Concept Plan.

**Illustrative Concept Plan** - The Illustrative Concept Plan illustrates the design intent of the SP. Development is intended to transition from commercial/mixed-use along Bell Road, to a mixture of office and residential within the interior of the property, to all residential across from residential development along Rural Hill and Rice Roads. Staff will review all final SP submittals against the plan for adherence to this overall concept. Final submittals that vary from the design intent of the Illustrative Concept Plan must be approved by Metro Council.

**Streets and Access** - Two new streets will be constructed with the development of this SP. One street will be the extension of Morris Gentry Blvd. from the signalized intersection at Bell Road, through the property, to the existing intersection of Rice Road and Rice Hill Road.

The second street will be constructed along the ridge that runs north and south through the middle of the property. This street will allow developers to take full advantage of the existing depth of properties within the SP boundary, and will provide maximum visibility and exposure for new development.

Street trees are required along all streets. Curb cuts will be kept to a minimum, and access points will be consolidated and shared. Alleys, service lanes, and consolidated parking areas will be located to the rears of buildings, allowing porches, awnings, and pedestrian entries along the streets.

**Open Space and Stormwater** - The proposed plan requires developers to dedicate 10% of the site area for residential development as useable common open space. Open space will be considered useable when fronted by buildings and made accessible to pedestrians. All parking, utilities, and mechanical equipment must be screened from public view. Standards are provided to require that detention and water quality areas are designed to provide for public use and aesthetic enjoyment rather than being unsightly and not useable.

**Signage** - Standards have been created for signage within this SP that require signs to be appropriately scaled, placed, and illuminated for a pedestrian environment. Pole signs are not permitted, however, monument signs are allowed along Bell Road to guide motorists to commercial establishments.

**Building Regulating Plan** - A Building Regulating Plan has been provided that establishes three sub-districts that create a transition from commercial/mixed-use along Bell Road, to a mixture of office and residential within the interior of the property, to all residential across from residential development along Rural Hill and Rice Roads. Permitted uses, building types, and intensities of development are all specified for individual sub-districts. The following provides a general description of each sub-district.

#### Sub-district 1

Uses: Commercial, Office, and Multi-family;  
Minimum of 50% retail development;  
Maximum establishment size of 20,000 sq. ft.  
Building Types:  
Mixed Use/Commercial,

Live/Work,  
 Stacked Flats, and  
 Courtyard Flats  
 Maximum Building Height: 3 stories

Sub-district 2

Uses: Office and Multi-family,  
 Minimum of 50% residential development  
 Building Types:  
 Mixed Use/Office,  
 Live/Work,  
 Stacked Flats, and  
 Courtyard Flats  
 Maximum Building Height: 3 stories

Sub-district 3

Uses: Multi-family and Single family,  
 Building Types:  
 Mansion House,  
 Townhouse Court,  
 Cottage Court, and  
 Townhouse  
 Maximum Building Height: 2 and ½ stories to 3 stories

Architectural Standards Architectural Standards will be applied to all new development within the SP. The standards specify permitted materials for exterior walls, attachments (chimneys, porches, decks, etc.), roofs, doors, and windows, as well as configuration options and techniques for each of these elements.

**FIRE MARSHALL RECOMMENDATION**

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** -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.

**Traffic In lieu of an approved phasing plan:**

- The proposed collector street is to be constructed in entirety with the first phase of any construction.
- All improvements to Rice Road south of the proposed collector and all improvements to Bell Road are to be constructed with the first phase of development.
- The proposed residential street is to be constructed in entirety with the first residential phase of construction.
- All improvements north of the proposed collector, along Rice Road, and Rural Hill Road are to be constructed with the first phase of residential construction.
- Phasing of off-site improvements to be based upon an approved TIS and the Department of Public Works.

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	33.25	3.09*	102	1,059	81	110

\*includes 25% duplex

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res Condo/townhome (230)	33.25	n/a	570	2,819	208	251

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	33.25	N/A	200,400	2,279	328	304

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

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	33.25	N/A	232,600	11,756	260	1,093

**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
--	33.25					

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

**STORMWATER RECOMMENDATION** -Approve

**METRO SCHOOL BOARD REPORT**

Projected student generation 42 Elementary 25 Middle 23 High

**Schools Over/Under Capacity** -Students would attend J. E. Moss Elementary School, Apollo Middle School, or Antioch High School. J. E. Moss Elementary School has been identified by the Metro School Board as not having capacity. The fiscal liability of 42 new elementary students is \$504,000 (42 students X \$12,000 per student). In addition, Antioch High School has been identified as not having capacity, but the adjacent cluster of Glenclyff does have capacity.

This information is based upon data from the school board last updated February 2006.

\*The projected student generation is based upon a maximum residential unit count of 570.

**CONDITIONS**

- 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.
- 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 MUL zoning district for Sub-district 1, the OR20 zoning district for Sub-district 2, and the RM15 zoning district for Sub-district 3.
- 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.

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

**Resolution No. RS2006-209**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-079U-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. 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.
2. 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 MUL zoning district for Sub-district 1, the OR20 zoning district for Sub-district 2, and the RM15 zoning district for Sub-district 3.
3. 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.

**The proposed SP district is consistent with the Antioch Priest Lake Community Plan's Residential Low Medium, and Community Center policies. Residential Low Medium is intended for residential development with a density of between two and four units per acre, and Community Center is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses."**

**PRELIMINARY SUBDIVISION PLATS**

3. **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****APPLICANT REQUEST**

**Preliminary Plat** -Subdivide 3.02 acres into two single-family lots on property located at 7719 Sawyer Brown Road, approximately 3,500 feet north of Hicks Road.

**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 1.85 dwelling units per acre including 25% duplex lots.

**BELLEVUE COMMUNITY PLAN POLICY**

**Residential Low Medium Policy** -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.

**SUBDIVISION DETAILS** - This plat proposes to subdivide one parcel into two lots. There is currently one single-family house on the existing parcel.

The lots will have the following areas and frontages:

- Lot 1: 80,250 square feet, 50 feet  
Lot 2: 45,200 square feet, 113 feet

**Lot Comparability** -Section 2-4.7 of the prior Subdivision Regulations (this case was reviewed under the prior Subdivision Regulations since it was submitted before April 27, 2006), 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 may be granted by the Commission if the lot fails the lot comparability analysis (is smaller in lot frontage and/or lot size) if the new lots are 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 26,381 square feet, and a minimum lot frontage of 117 feet.

The proposed plat meets the requirement for minimum lot area, but *fails* for the minimum lot frontage. While 117 feet of frontage is required, the plat proposes 50 feet and 113 feet of frontage for the two lots. Because there are numerous vacant parcels in this area along the west side of Sawyer Brown Road (6 other vacant parcels), staff recommends disapproval since it would set a precedent that is inconsistent with the surrounding lots in the area.

**Flag Lot** - This request was reviewed under the previous Subdivision Regulations, which state: “Flag lots generally shall not be permitted. In the event the Planning Commission finds that due to unusual topographic conditions, direct lot frontage on a street is precluded, it may waive the requirement.” (Chapter 2-4.2 A). The proposed plat creates a flag shaped lot due, in large part, to the existing house on the parcel.

The applicant is proposing to create two lots since the existing parcel has enough square footage to subdivide it into two lots. Although it meets the Zoning Code requirements for square footage, it does not meet the requirement of the Subdivision Regulations prohibiting flag-shaped lots. There are no unusual topographic conditions on this site to warrant approval of a flag lot..

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken

**STORMWATER RECOMMENDATION** - Approved

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

Mr. Greg Daniels, Surveyor, spoke in favor of the proposal.

Mr. David Elliott, 1528 Towne Park Lane, spoke in favor of the proposal.

Ms. Susan Harris, 242 Polk Place, spoke in favor of the proposal.

Mr. McLean requested additional information on lot widths versus lot depths and their maximums.

Mr. Leeman explained that the lot depth can not be exceeded by the lot width by four times. He further explained that this proposal does not meet lot comparability, and that a variance would have to be granted to approve the flag shaped nature of the lot.

Mr. McLean stated that the main issue of the proposal was the depth of the lot. He also commented on lot located on the north side of the property which was similar in nature but approved under the zero lot line ordinance.

Mr. Leeman stated that he was unable to obtain information on the zero lot line ordinance mentioned by Mr. McLean.

Ms. Cummings requested additional clarification on the proposed lot frontages.

Mr. Leeman explained that the minimum lot frontage that would be required under the lot comparability standards was 117 feet. They are proposing 50 feet of frontage on one lot and 113 feet on the second lot.

Mr. Loring spoke in favor of the proposal. He stated that the neighbors are in favor of the proposal, as well as the Councilmember and moved for its approval.

There was no second to Mr. Loring’s motion.

Mr. Ponder questioned whether there were alternative solutions to this request as he was not in favor of approving it as it was submitted.

Mr. Ponder moved and Ms. Jones seconded the motion to adopt staff recommendation to disapprove Preliminary Plat 2006S-187G-06. **(7-1) No Vote - Loring**

**Resolution No. RS2006-210**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-187G-06 is **DISAPPROVED. (7-1)**”

**FINAL PLATS**

- 4. 2006S-191U-08**  
 North Nashville Real-Estate Company, Resub.  
 Lots 418, 420, & 422  
 Map 081-08, Parcel 196  
 Subarea 8 (2002)  
 District 19 - Ludye 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**

**APPLICANT REQUEST**

**Final Plat** -Request to create three lots from one parcel on 0.43 acres, located at 1811 7th Avenue North, approximately 330 feet north of Buchanan Street (classified within the R6 district).

**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.

**PLAN DETAILS** -This subdivision proposes the creation of three lots from one parcel within the North Nashville Real Estate Company subdivision, on the south side of 7<sup>th</sup> Avenue North. Lot 1 has an existing single family dwelling, which will remain on the property, while lots 2 and 3 are proposed for either single family or duplex uses. According to the recorded plat, three lots once existed on this parcel. There is an existing sidewalk along 7<sup>th</sup> Ave. North. No other sidewalks are required to be constructed.

**Lot comparability** -Section 3-5 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:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
<b>7th Ave. N.</b>	6,000	43.0

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

- Lot 1: 6,015.7 Sq. Ft., (0.14 Acres), with 39.31 ft. of frontage
- Lot 2: 6,048.95 Sq. Ft., (0.14 Acres), and 36.36 ft. of frontage
- Lot 3: 6,000 Sq. Ft., (0.14 Acres), and 37.44 ft. of frontage

All three lots pass the minimum lot area for 7<sup>th</sup> Avenue North, but fail the minimum lot frontage requirements by 3.7, 6.6, and 5.6 feet, respectively.

**Lot Comparability Exception** -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 all three lots fail the lot comparability for 7<sup>th</sup> Avenue North, the proposed lots do meet one of the qualifying criteria of the exception to lot comparability. Specifically, the lots fall within a quarter mile (or 1,320 feet) of an area that is designated with a Mixed Use land use policy.

As the plat will result in one single family home on lot 1, and the potential for duplexes on both lots 2 and 3, on 0.43 acres, the density could range up to 5 units/0.43 acres ≈ 11.6 units per acre (or 6.9 units/acre, if the other two lots are developed with single family homes). Either density arguably falls within the range as called for, however, this property is located in

the Single Family Detached land use policy on the site. In order to comply with the land use policy, a note needs to be added to the plat specifying that the lots will be single-family only.

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

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

**STORMWATER RECOMMENDATION** -Approved.

**CONDITIONS** - Prior to final plat recordation, the plat must specify each lot is for single-family.

Ms. Withers presented and stated that staff is recommending approval with the condition that each lot is for single-family use only.

Ms. Kathy Leslie, 1802 Apple Valley Circle, spoke in favor of approving the proposal without the added staff condition. She submitted a photo to the Commission for their review.

Mr. McLean requested clarification on staff's recommendation.

Ms. Withers explained that staff is recommending that the Commission place a condition on the plat that the structures be single-family, detached in order to meet the community plan policy for the area.

Mr. Clifton questioned the differences in policies in relation to the duplex located across from the subject property.

It was explained that the lot across from the property was created prior to the current policy for the area.

Ms. Cummings spoke of the issues complicating this request such as original zoning and policy changes.

Ms. Withers explained there was an exception to the lot comparability that the Commission would have to grant if the lots were approved as submitted, due to lot frontage shortages. She further explained that the qualifications for granting this exception is that it would be necessary for the lots to meet the community plan policy. The community plan policy for this area is single-family, detached.

Ms. Cummings spoke of density issues related to the various types of duplexes.

Mr. Bernhardt explained the staff recommendation with regard to implementing policy, and not issues relating to density.

Mr. Tyler requested clarification on the parcels included in the applicant's request.

Mr. Loring spoke in favor of the proposal without the recommended staff condition. He spoke of allowing individual neighborhoods the ability to amend their own community plan.

Mr. Clifton inquired as to whether it was written in the subdivision regulations for the Commission to adhere to, that prior to approving a lot comparability exception, that it must conform with policy.

Mr. Bernhardt explained that the Commission can grant an exception, but with the added condition, that the exception meets the community plan. He also gave a brief history of this particular neighborhood plan that was developed approximately three years ago.

Mr. Clifton stated that if this proposal was approved, the Commission would be ignoring the existing subdivision regulations that have been adopted.

Mr. Kleinfelter explained that the regulations state that the Commission may grant the exception if the proposal meets one or more of the criteria listed for approval.

Ms. Withers stated that the plan does meet one of the criteria, in that it is located a quarter mile from a mixed-use policy area.

Mr. Loring moved and Ms. Cummings seconded the motion to approve the request and the exception on Final Plat 2006S-191U-08, without the added condition that a note be included on the plat restricting each lot to single-family only. **(5-3) No Votes – Tyler, Ponder, Lawson**

**Resolution No. RS2006-211**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-191U-08 is **APPROVED WITH NO CONDITIONS. LOTS ARE ALLOWED TO HAVE DUPLEXES AS PER ZONING CODE. (5-3)**”

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

**5. 2004SP-090G-12**

Map 174-00, Part of Parcel 006  
Subarea 12 (2004)  
District 32 - Sam Coleman

A request to change from AR2a to SP property located at 5748 Pettus Road, on the west side of Preston Road, (41.44 acres) to permit 74 single-family lots, requested by E. Roberts Alley & Associates, Inc., applicant for Martha S. Wisener, owner.

**STAFF RECOMMENDATION – Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Zone Change 2004SP-090G-12 to July 27, 2006, at the request of the applicant. (7-0)**

**6. 2006SP-007U-10**

Glen Echo  
Map 117-15, Parcels 061, 062, 063  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request for final development plan approval for property located at 1737, 1741 and 1745 Glen Echo Road, approximately 140 feet east of Hillmont Drive (3.07 acres), to permit 12 single-family lots, requested by Bob Haley, applicant, for Cindy Lockhart, Delores Dennard, Jon Sheridan, Michelle Sheridan, and C. Dennard, owners.

**STAFF RECOMMENDATION – Defer until Technical Review has been completed by Stormwater**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-007U-10 to July 13, 2006, at the request of the applicant. (7-0)**

**7. 2006SP-010G-06**

Map 143-00, Parcel 011, 030  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request for final development approval to construct 16 cottages and 19 townhouses, located at 6949 Highway 70 South and Highway 70 South (unnumbered), approximately 2,300 feet east of Old Hickory Boulevard (19.8 acres), requested by Gresham-Smith & Partners, applicant, for Charles Brock.

**STAFF RECOMMENDATION – Defer until Technical Review has been completed by Stormwater**

**APPLICANT REQUEST** - A request for final site plan approval to construct 16 cottages and 19 townhouses, located at 6949 Highway 70 South and Highway 70 South (unnumbered), approximately 2,300 feet east of Old Hickory Boulevard (19.8 acres).

**Existing Zoning**

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

**Proposed Zoning**

SP district (final) - 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.

**Final Plan Details** - The SP proposes a total of 35 multifamily units, including **16** three-bedroom cottages and **19** two-bedroom townhomes located on private drives, as approved in the preliminary plan. As the portion of the site that is developable (i.e. between 0-10 percent slope) is small, there is only minimal useable open space provided throughout the 5.33-acre area to be disturbed by development. Landscaping is also provided along parking areas and at the fronts of the units.

**Vehicular Access** -The site is accessed via one private driveway that crosses a stream and a small area of floodplain that runs parallel to the stream. A bridge is proposed across the stream, which must be approved by the Stormwater Division of Metro Water Services.

**Landscaping Plan** -Landscaping will be provided throughout the 5.33 acres that are being developed and is detailed on the plan. The remaining approximately 13 acres that will not be developed will be left in its natural state.

**Pedestrian access** -While the applicant did not initially agree to provide a sidewalk along Highway 70, the condition was adopted as part of the Council bill, and the applicant has complied by showing the sidewalk on the plans. An internal sidewalk network is also shown along the private drives, and will allow for adequate pedestrian movement.

The Council Bill also included a condition that a pedestrian trail be provided from this development to the adjacent developments to the east and west, and is shown on the plan.

**Retaining walls** -Because of grade difference throughout the site two retaining walls are shown on the plan. One of the walls runs along the north side of the private drive, and ranges from six to nine feet in height (and includes a pedestrian guardrail). The second retaining wall is to the rear the units on the southern side of the private drive, and ranges from seven to ten feet in height. In no way shall rip-rap rock be used to stabilize any slopes on the site.

**RECENT REZONINGS** -Yes. An SP zoning district was approved for this property by the Metro Council on third reading on March 21, 2006.

**PUBLIC WORKS RECOMMENDATION** -Previous comments remain:

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. Construct right turn deceleration lane on Highway 70 with 50 feet of storage and transition per AASHTO standards.
3. Submit construction plans for roadway improvement to Highway 70 S. Design per AASHTO/MUTCD standards. Curb & gutter to be located at back of paved shoulder.
4. Provide proof of adequate sight distance at project entrance.
5. Private street per Public Works standards.
6. Parking appears inadequate. Provide parking table.

**STORMWATER RECOMMENDATION** - The following comments were received on July 5, 2006:

1. Need ARAP for stream crossing. They have provided ARAP #NR0604.114, but have provided no documentation.
2. No impact flood study for crossing. Drainage basin is less than 1 sq mi., but no impact study was provided to determine if crossing impacts backwater conditions.
3. No culvert/bridge plans or details were provided. Plans indicate a 2 barrel bottomless culvert to be used.

4. No rise" in the downstream water surface elevation as a result of the new double bottomless culvert design. We would need this information prior to Construction Drawing approval.

**Fire Marshal Recommendation - Not Approved.**

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

**CONDITIONS (if approved)**

1. No rip-rap rock shall be used to stabilize any slope.
2. Prior to final SP approval, the 12 foot turn lane along Highway 70 South and the frontage of this Specific Plan must be clearly distinguished on the plan from the required sidewalk that is to be constructed.
3. Prior to final SP approval, a parking table must be provided on the plans, showing compliance with the 84 required parking spaces, as approved on the preliminary SP.
4. Prior to final SP approval, the 13.64-acre area to the rear (south) of the area that is to be disturbed for development must be explicitly labeled as "open space area: vegetation and slopes to be preserved in their natural state."
5. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of the final plat. All other Public Works conditions, as indicated above, with the exception of #5, must be addressed prior to the recordation of the final plat.
6. All Stormwater conditions as indicated above must be adequately addressed prior to, or with the final SP approval.
7. All Fire Marshal's Office conditions must be met prior to, or with, this final SP approval.
8. 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.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the **RM4** zoning district, which must be shown on the plan.

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

**Resolution No. RS2006-212**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-010G-06 is **APPROVED WITH STORMWATER CONDITIONS. (8-0)**

**Conditions of Approval:**

1. No rip-rap rock shall be used to stabilize any slope.
2. Prior to final SP approval, the 12 foot turn lane along Highway 70 South and the frontage of this Specific Plan must be clearly distinguished on the plan from the required sidewalk that is to be constructed.
3. Prior to final SP approval, a parking table must be provided on the plans, showing compliance with the 84 required parking spaces, as approved on the preliminary SP.
4. Prior to final SP approval, the 13.64-acre area to the rear (south) of the area that is to be disturbed for development must be explicitly labeled as "open space area: vegetation and slopes to be preserved in their natural state."
5. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of the final plat. All other Public Works conditions, as indicated above, with the exception of #5, must be addressed prior to the recordation of the final plat.
6. All Stormwater conditions as indicated above must be adequately addressed prior to, or with the final SP approval.
7. All Fire Marshal's Office conditions must be met prior to, or with, this final SP approval.
8. 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.

9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the **RM4** zoning district, which must be shown on the plan.

**8. 2006SP-070G-13**

Map 164-00, Parcel 192  
Subarea 13 (2003)  
District 33 - David Briley

A request to change from R15 to SP zoning property located at Hamilton Church Road (unnumbered), approximately 900 feet east of Mt. View Road (9.0 acres), to permit the development of 26 single-family lots, 5 cottage lots, and 11 townhouse units, requested by MEC Inc., applicant, for Gold Star Development Inc., owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST** - A request to change approximately 9 acres from single-family and two-family residential (R15) to Specific Plan (SP) zoning, property located on the south side of Hamilton Church Road, approximately 900 feet east of Mt. View Road (unnumbered), to permit 26 single-family lots, 5 cottage lots, and 11 townhouse units.

**Existing Zoning**

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

**Proposed Zoning**

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

- The SP District is a 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**

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

**Policy Conflict** -No. The proposed SP plan, which is detailed below, proposes a mixture of housing types that are arranged in a way that is consistent with the intent of the Neighborhood General Policy. As proposed this SP will also provide road connections that are in keeping with the areas transportation plan, as well as a greenway and conservation easement, which is proposed in the community plan.

**PLAN DETAILS** -The site plan calls for a mixture of housing types with a total of 42 units, and an overall density of approximately 4.3 units per acre. Housing types will consist of 26 house lots, 5 cottage lots, and 11 townhomes.

**Access** While the property fronts Hamilton Church Road, no access to Hamilton Church is proposed, but will be provided from an adjacent subdivision, the Moss Property, to the west. Access is not being provided to Hamilton Church due to the location of Savage Creek, which runs under Hamilton Church and across the front of this property. Prior to final plat approval the adjacent property must be platted, which will allow for street access to this site.

House lots will have street access, while the townhomes and cottages will have access from the rear by a private alley. Some townhomes will have front access from shared driveways. Although the alley does not meet the east property line, an

access easement is shown to allow for future access from the eastern adjacent property. The easement is being used in order to protect existing trees, but will also allow for connectivity if and when the adjacent property develops.

**Connectivity** - As proposed this development will provide 4 connections, with 2 to the east and 2 to the west. The alley and easement will also allow for connectivity to the east (see above).

#### **Bulk Standards House Lots**

- 5,000 Sq. Ft. minimum lots
- Front Setback: 10 Ft. minimum and 15 Ft. maximum and 5 Ft. minimum and 10 Ft. maximum setback from front walk when fronting open space.
- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

#### **Cottage Lots**

- 3,750 Sq. Ft. minimum lots
- Front Setback: 10 Ft. minimum and 15 Ft. maximum and 5 Ft. minimum and 10 Ft. maximum setback from front walk when fronting open space.
- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

#### **Townhomes**

- Front Setback: 10 Ft. minimum and 15 Ft. maximum, and 5 Ft. minimum and 10 Ft. maximum setback from front walk when fronting open space.
- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

#### **Additional Standards**

- Minimum raised foundation: 1.5 Ft.
- Maximum units per building: 6.
- Minimum units per building: 3.

**Environmental/Open Space/Conservation Easement/Greenway** -A total of 3.10 acres, 32 percent of the site will be open space. Small areas of open space will be along proposed roadways, and will allow for easy resident use. The majority of the open space will be along Hamilton Church Road along Savage Creek. The Antioch/Priest Lake Community Plan identifies a greenway along Savage Creek, and the plan identifies a greenway and conservation easement for any future greenway. An adequate pedestrian connection should be provided to the open space along Hamilton Church to allow for access to the open space, as well as any future greenway from within the development.

**Landscape/Buffer Yards** - The landscape plan shows numerous trees along the proposed streets. Prior to the final development plan being approved, a specific native tree or trees should be named on the final development plan. The spacing must also be stipulated on the final development plan. While a landscape buffer yard is not proposed along the western property line, the approved preliminary plan for the adjacent development has a 10 foot "C" buffer yard, and will provide the necessary buffer between the different lots. Also, because this area is in a Neighborhood General policy, it is likely that the adjacent properties will develop in a similar manner and therefore, buffer yards are not necessary.

**Parking** -The plan stipulates two parking spaces per unit. All parking will be located at the rear, and on corner lots the garage will be six feet from the property line.

**Sidewalks** -Sidewalks are shown along all proposed public streets.

**Staff Recommendation** -Staff has no major concerns with the proposed plan. Minor concerns deal with access to the greenway and conservation easement and open space along Hamilton Church Road, which can be addressed prior to the final development plan being approved.

Because the proposed SP site plan is consistent with the intent of the area's Neighborhood General Policy, staff recommends that the request be approved with conditions.

### **PUBLIC WORKS RECOMMENDATION**

1. Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.
2. Off-site improvements to be determined with construction plan review.
3. Proposed development plan does not appear to have public access. Final plat not to be recorded until public access is accepted, or bonded on either end of the proposed development.

### **STORMWATER RECOMMENDATION**

Approved except as noted:

1. Add Access Note: Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.
- 2.

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

### **METRO SCHOOL BOARD REPORT**

Projected student generation\*      7 Elementary      6 Middle      5 High

**Schools Over/Under Capacity** - Students would attend Edison Elementary School, Kennedy Middle School, and Antioch High School. All three schools have been identified as over capacity, but there is capacity in the adjacent Glencliff cluster. This information is based upon data from the school board last updated January 2006.

### **CONDITIONS**

1. Prior to final plat approval and the issuance of any grading permits for this development, a final plat must be recorded on the adjacent property to the west dedicating public right-of-way for access to this property.
2. Prior to the final development plan being approved, a specific native tree or trees must be named on the final document. The spacing must also be stipulated on the final.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM6 district shall apply.
4. 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 for all Public Roadways.
5. 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.
6. All signage must be approved by the Planning Commission prior to final SP site plan approval.
7. 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.

*[Note: Items #8 and Item #9 were discussed by The Metropolitan Planning Commission together. See item #9 for actions and resolutions.]*

### **9. 2006SP-077G-13**

Map164-00, Parcel 062  
Subarea 13 (2003)  
District 33 - David Briley

A request to change from R15 to SP zoning property located at 3485 Hamilton Church Road, approximately 1,400 feet west of Hobson Pike, (11.93 acres) to permit the development of 27 single-family lots, 18 cottage lots, and 8 townhome units, requested by MEC Inc., applicant, for Jack Williams Construction Co. Inc., owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST** -A request to change approximately 11.93 acres from single-family and two family residential

(R15) to Specific Plan (SP) zoning, property located 3485 Hamilton Church Road to permit the development of 27 single-family lots, 18 cottage lots, and 8 townhomes.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

- The SP District is a 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**

##### **Structure Plan Category**

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

**Policy Conflict** - No. The proposed SP plan, which is detailed below, proposes a mixture of housing types that are arranged in a way that is consistent with the intent of the Neighborhood General Policy. As proposed, this SP will also provide road connections that are in keeping with the areas transportation plan.

**PLAN DETAILS** -The site plan calls for a mixture of housing types with a total of 53 units, and an overall density of approximately 4.4 units per acre. Housing types will consist of 27 house lots, 18 cottage lots, and 8 townhomes. Some units will have street frontage, while others will front open space.

Access to the development will be provided from Hamilton Church Road. Access to units will be provided from new public streets, as well as private alleys.

This development will provide 7 connections, with 2 to the east, 2 to the west, 2 to the south and 1 to the north. A temporary turnaround is required at the east end of Road “A”, and is shown on the plan.

##### **Bulk Standards - House Lots**

- 5,000 Sq. Ft. minimum lots
- Front Setback: 10 Ft. minimum and 15 Ft. maximum and 5 Ft. minimum and 10 Ft. maximum setback from front walk when fronting open space.
- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

##### **Cottage Lots**

- 3,750 Sq. Ft. minimum lots
- Front Setback: 10 Ft. minimum and 15 Ft. maximum and 5 Ft. minimum and 10 Ft. maximum setback from front walk when fronting open space.
- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

##### **Townhomes**

- Front Setback: 10 Ft. minimum and 15 Ft. maximum, and 5 Ft. minimum and 10 Ft. maximum setback from front

walk when fronting open space.

- Side Setback: Zero except corner and end units which require 5 Ft. minimum.
- Rear Setback: 6 Ft. minimum except for units with rear garages on alleys, which require a minimum 17 Ft.
- Maximum Height: 3 at setback line

#### **Additional Standards**

- Minimum raised foundation: 1.5 Ft.
- Maximum units per building: 6.
- Minimum units per building: 3.

Environmental/Open Space - A total of 2.68 acres, 22 percent of the total site will be open space. A majority of the open space is along proposed public streets and will be easily accessible for resident use.

Landscape/Buffer Yards - Landscape buffer yards are not proposed, and because this is an SP they are not required. Since this area is in a Neighborhood General policy, it is likely that the adjacent properties will develop in a similar manner and therefore, buffer yards are not being required.

Parking - The plan stipulates 2 parking spaces per unit. All parking will be located at the rear, and on corner lots the garage will be 6 ft. from the property line.

Sidewalks - Sidewalks are shown along all proposed public streets.

**Staff Recommendation** - Because the proposed SP site plan is consistent with the intent of the areas Neighborhood General Policy, staff recommends that the request be approved with conditions.

#### **PUBLIC WORKS RECOMMENDATION**

1. Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.
2. Off-site improvements to be determined with construction plan review.
3. Prior to submittal of construction plans, provide geotechnical report as to the suitability of roadway location in proximity to sinkholes. Identify any mitigation, if required. 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.

#### **STORMWATER RECOMMENDATION** -Approve except as noted:

1. Add 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.
2. Add C/D Note: Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).

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

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

**Projected student generation\***    9 Elementary    8 Middle    7 High

**Schools Over/Under Capacity** -Students would attend Edison Elementary School, Kennedy Middle School, and Antioch High School. All thee schools have been identified as over capacity, but there is capacity in the adjacent Glencliff cluster. This information is based upon data from the school board last updated January 2006.

#### **CONDITIONS**

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM6 district shall apply.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering

Sections of the Metropolitan Department of Public Works for all public roadways.

3. 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.
4. All signage must be approved by the Planning Commission prior to final SP site plan approval.
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.

Mr. Swaggart presented and stated that staff is recommending approval with conditions on Zone Change 2006SP-070G-12 and Zone Change 2006SP-077G-13.

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

Mr. Dean Allen, 3461 Hamilton Church Road, spoke in opposition to the proposal.

Mr. Albert Bender, 5980 Mt. View Road, spoke in opposition to the proposal.

Mr. Ponder suggested deferring due to the proximity of the requests and the affect that it would have on other property owners in the area.

Mr. McLean acknowledged that if the proposals were submitted individually, they would most likely be approved by the Commission. He was not in favor of deferring.

Mr. Clifton stated that he was not in favor of deferring a rezoning that has met all the requirements and was fully supported by the staff.

Mr. Loring moved and Mr. McLean seconded the motion to approve with conditions Zone Change 2006SP-070G-13, Brookridge Hamlet; as well as approve with conditions Zone Change 2006SP-077G-13, Rolling Mill Village. **(7-1) No Vote – Ponder**

**Resolution No. RS2006-213**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-070G-13 is **APPROVED WITH CONDITIONS. (7-1)**

**Conditions of Approval:**

1. Prior to final plat approval and the issuance of any grading permits for this development, a final plat must be recorded on the adjacent property to the west dedicating public right-of-way for access to this property.
2. Prior to the final development plan being approved, a specific native tree or trees must be named on the final document. The spacing must also be stipulated on the final.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM6 district shall apply.
4. 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 for all Public Roadways.
5. 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.
6. All signage must be approved by the Planning Commission prior to final SP site plan approval.
7. 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.



**The proposed SP district is consistent with the Antioch Priest Lake Community Plan’s Neighborhood General Policy, which is intended for a variety of residential development types that are carefully arranged, not randomly located.”**

**Resolution No. RS2006-214**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-077G-13 is **APPROVED WITH CONDITIONS. (7-1)**

**Conditions of Approval:**

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM6 district shall apply.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works for all public roadways.
3. 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.
4. All signage must be approved by the Planning Commission prior to final SP site plan approval.
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.

**The proposed SP district is consistent with the Antioch Priest Lake Community Plan’s Neighborhood General Policy, which is intended for a variety of residential development types that are carefully arranged, not randomly located.”**

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:45 p.m.

**10. 2006Z-084T**

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

**STAFF RECOMMENDATION – Disapprove and request re-referral with clarified definition of “mobile vendors”**

Ms. Carlat presented and stated that staff is recommending disapproval and re-referral.

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

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

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

**ANALYSIS**

**Existing Law** -Currently, Metro Zoning Code (Title 17) does not include a separate definition of the land use “mobile vendors,” nor does it provide any specific guidance on their placement or parking.

Mobile vendors on *public property* are regulated by Title 13 of Metro Code, “Streets, Sidewalks and Public Places.” Title 13 establishes the regulations surrounding a “street vendor’s permit” which can be issued to vendors to sell wares on “public ways” including alleys, roadways, sidewalks and streets. *Title 13 does not regulate the sale of wares on private*

property.

Mobile vendors on *private property* are regulated in one of two ways.

1. Mobile *food* vendors are regulated indirectly through a use and occupancy permit that is granted by Metro Codes to a property owner to host the mobile food vendor on their property. Metro Codes may also issue a permit for water/sewer and electric to the mobile food vendor, if necessary for their operations. Then Metro Health Department regulates the mobile food vendor, primarily to ensure basic health and safety standards.
2. Mobile *non-food* vendors may seek a use and occupancy permit from Codes for their sales. Codes reports that not all mobile non-food vendors secure a Use and Occupancy permit and enforcement to ensure that mobile non-food vendors have a permit is difficult.

The proposed ordinance *does not* regulate mobile vendors on public rights of way. It deals solely with mobile vendors on private property and attempts to grandfather pre-existing, legal mobile vendors on private property.

#### **PROPOSED TEXT**

**“Mobile Vendors” Definition** -The ordinance amends Zoning Code Section 17.04.060 “Definitions of general terms” to add the definition for a new land use, “mobile vendors.” Metro Council office, at the request of the Council sponsor, provided an amended definition on June 15:

*“Mobile vendor” means a person who peddles, vends, sells, displays or offers for sale goods, wares or merchandise out of a motor vehicle, cart, trailer, tent, table, or other temporary structure that is capable of being set up and taken down in one day and is readily moveable. Notwithstanding the foregoing, street vendors licensed pursuant to section 13.08.040 of the metropolitan code of laws shall not be considered “mobile vendors”.*

**Setback Requirements** -The ordinance amends Zoning Code Section 17.04.040 “District Bulk Regulations – Other setbacks” to apply the following setback requirements for “mobile vendors”:

1. All mobile vendor displays and/or activity shall maintain a minimum twenty (20) foot setback from the right-of-way, and not be located within a required landscape area or buffer yard.
2. No mobile vendor may be located within one hundred (100) feet of an intersection of two arterial streets or an intersection of an arterial and a collector street.
3. Mobile vendors shall not locate within one thousand five hundred (1,500) feet of another mobile vendor.
4. The foregoing provisions of this section shall not apply to mobile vendors in possession of a valid use and occupancy permit to conduct business as a vendor at a particular location at the time of the enactment of this ordinance.

The Commissioners will note that subsection (4) refers to mobile non-food vendors with a valid use and occupancy permit at the enactment of the ordinance, thereby “grandfathering” them.

**Parking Requirements** -The ordinance amends Zoning Code Section 17.20, “Parking, Loading and Access” to establish parking requirements and standards for “mobile vendors”:

1. Mobile vendors shall provide a minimum of six (6) parking spaces adjacent to the vending area for the exclusive use of the mobile vendor.
2. These mobile vendor spaces shall not occupy minimum required parking spaces for any other use on the site.
3. These requirements shall not apply to mobile vendors in possession of a valid use and occupancy permit to conduct business as a vendor at a particular location at the time of the enactment of this ordinance.

The Commissioners will note that subsection (3) refers to mobile non-food vendors with a valid use and occupancy permit at the enactment of the ordinance, thereby “grandfathering” them.

**Analysis** -Metro Planning staff cannot adequately review this ordinance at this time, because the amended definition was received too late for sufficient review and because the ordinance does not indicate in which way the new land use “mobile vendors” will be permitted, nor does it indicate in which zoning districts the land use will be permitted.

In Metro Zoning Code, land uses can be Permitted, Permitted with Conditions (PC), etc. The ordinance proposes a new land use, mobile vendors, but does not indicate in which way it will be permitted.

More importantly, the ordinance does not indicate in which zoning districts the mobile vendor land use will be permitted.

Until the ordinance addresses the method of permitting the land use and the zoning districts in which it will be permitted, the staff cannot adequately review the ordinance.

**Recommendation** -Disapprove and request re-referral with inclusion of which zoning districts “mobile vendor” will be permitted in, and whether it will be Permitted, Permitted with Conditions, etc.

Ms. Cummings moved and Mr. McLean seconded the motion, which passed unanimously, to disapprove Zone Change 2006Z-084T with the request for re-referral with the inclusion of which zoning districts “mobile vendor” will be permitted in and whether it will be Permitted, Permitted with conditions, etc. (8-0)

#### **Resolution No. RS2006-215**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-084T is DISAPPROVED AND RE-REFER WITH DIRECTION ON HOW THE USE WILL BE PERMITTED AND IN WHICH ZONING DISTRICTS.” (8-0)**

11. **2006Z-098G-12**  
Map172, Parcel 044  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to change from AR2a to RS15 zoning property located at 5954 Mt. Pisgah Road, approximately 1,250 feet east of Edmondson Pike (4.65 acres), requested by Doug and Dawn Schenkel, owners.

**STAFF RECOMMENDATION – Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-098G-12 indefinitely at the request of the applicant. (7-0)**

## **XI. CONCEPT PLANS**

12. **2006S-200G-14**  
River Landing (Formerly Windstar Estates)  
Map 043-00, Parcels 007, 008  
Subarea 14 (2004)  
District 11 - Feller Brown

A request for concept plan approval to create 92 lots on property located at 805 Swinging Bridge Road, intersection of Warren Drive and Keeton Avenue (76.52 acres), zoned R10 and R15, requested by Lakewood Partners LLC, owner, Barge Waggoner Sumner and Cannon, engineer/surveyor.

**STAFF RECOMMENDATION – Approve with conditions**

### **APPLICANT REQUEST**

**Concept Plan** - Request to subdivide 76.52 acres into 85 single-family lots located on property located at 805 Swinging Bridge Road, and the intersection of Warren Avenue and Keeton Avenue (76.52 acres), zoned R10 and R15

### **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.

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

**SUBDIVISION DETAILS** -The proposed preliminary plan proposes 85 single-family lots ranging in size from 7,400 sq. ft. to 16,000 sq. ft. There are two phases proposed. The applicant is proposing to use the cluster lot option.

Access is proposed from Warren Drive. Two lots are proposed along Swing Bridge Road.

Much of the property is within floodplain, however 64% of the floodplain is remaining undisturbed. This is over the 50% requirement of the Metro Zoning Ordinance.

The proposed plan is consistent with the preliminary plan that expired in December 2005. Since the expiration of the plan, the cluster lot option policy has been updated to require additional open space. Staff recommends that the applicant provide a trail system within the property to allow for the floodplain to be used as useable open space and for possible pedestrian access to the riverfront.

There is a note within the floodplain area that states "Reserved for Future Development." Staff recommends that this note be removed from the plan and that any temporary cul-de-sacs to the open space be made permanent cul-de-sacs.

**FIRE MARSHAL'S RECOMMENDATION** -No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

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.

All dead end roads over 150 ft. in length requires a 100 ft. diameter turnaround, or other turning arrangements approved by the Fire Marshal's Office. This includes temporary turnarounds, that last no more than one year.

#### **STORMWATER RECOMMENDATION**

Approved except as noted.

1. Add panel 0143 F to plat note #5. Panel 0143 F was published on 4/20/2001.
2. The buffer around the blue-line pond is not shown correctly. The buffer must be 25' from top of bank. Appropriate correction is required.

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

#### **CONDITIONS**

1. Prior to final plat approval, a revised plan is to be submitted that shows a trail system that provides pedestrian access to the riverfront and possible access to the undevelopable floodplain area.
2. Prior to final plat approval, the "Reserved for Future Development" note is to be removed and the temporary cul-de-sacs proposed toward the open space area is to be permanent cul-de-sacs.
3. 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.

Ms. Harris explained that this item could be placed back on the Consent Agenda and approved with conditions. She met with the developer and there was no opposition to this plan.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously to place Concept Plan 2006S-200G-14 back on the Consent Agenda and approve with conditions. **(8-0)**

#### **Resolution No. RS2006-216**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-200G-14 is **APPROVED WITH CONDITIONS.** **(8-0)**

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

1. Prior to final plat approval, a revised plan is to be submitted that shows a trail system that provides pedestrian access to the riverfront and possible access to the undevelopable floodplain area.
2. Prior to final plat approval, the "Reserved for Future Development" note is to be removed and the temporary cul-de-sacs proposed toward the open space area is to be permanent cul-de-sacs.

3. 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.”

**13. 2006S-206U-10**

Seven Hills Subdivision, Section 1, Resub. Lot 1  
Map 131-11, Parcel 008  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request for concept plan approval to create 2 lots on property located at 4516 Shys Hill Road, approximately 210 feet south of Lone Oak Circle (1.21 acres), zoned RS20, requested by Camp Properties LLC, owner, PBJ Engineering Design Development LLC, surveyor/engineer.

**STAFF RECOMMENDATION – Disapprove**

**APPLICANT REQUEST -Concept Plan**

Request to subdivide 1.21 acres into 2 lots located on a portion of property located at 4615 Shys Hills Road, approximately 210 feet south of Lone Oak Circle.

**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.

**SUBDIVISION DETAILS** -As proposed the request will create 2 new lots along the east side of Shys Hill Road with the following area(s), and street frontage(s):

- Lot 61A: 24,986 Sq. Ft., (0.57 Acres), and 128.11 Ft. of frontage;
- Lot 61B: 24,871 Sq. Ft., (0.57 Acres), and 128.11 Ft. of frontage;

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 to lot comparability 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 the discretion to approve or disapprove an exception to the lot comparability requirements.

The lot comparability analysis yielded a minimum lot area of 41,327.5 sq. ft., and a minimum lot frontage of 143 linear feet. Neither of the two lots passes for lot area or frontage.

1. Staff recommends that the Commission **not** approve an exception to the lot comparability requirements. The Subarea 10 plan calls for Residential Low (RL) land use policy, which is intended for residential development within a density range of one to two units/homes per acre. Staff recommends that the Commission not grant an exception for comparability, however, because the lots fail comparability by such a large amount. Lot 61A is 16,345.55 square feet smaller than the size required by lot comparability and lot 61B fails by 16,456.55 square feet. In addition both lots fail comparability analysis for lot frontage by 16 feet.

**STORMWATER RECOMMENDATION**

Approved except as noted.

1. Add the subdivision number, i.e., 2006S-209G-02, to the plat.

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

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

**CONDITIONS (if approved)**

1. Add a note that states, “Sidewalks to be constructed with the issuance of any building permits” on the face of the plat and not within the general notes.

2. Add a note that states that “The existing 70’ street setback will remain” on the face of the plat and not within the general notes. Remove the 40’ M.B.S.L. notation off the plat.
3. 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.

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

Mr. Russell Pitzer, engineer, spoke in favor of the proposal. He submitted information to the Commission.

Mr. Patrick Gilbert, 4500 Shys Hill Road, spoke in favor of the proposal.

Mr. Mike Ayers, 4515 Shys Hill Road, spoke in favor of the proposal.

Ms. Jones spoke of the difficulty of this case. She questioned whether a precedent would be set with possible future rezonings that could take place in this area.

Mr. Bernhardt explained that if the subdivision were approved, the lots created would be the two lots used for future lot comparability studies. So, in affect, the Commission could begin to see a pattern of change for this area, not necessarily with duplexes, but with two single-family homes on subdivided lots.

Mr. Lawson suggested that the Commission remember policy and individual character of various neighborhoods while deliberating this proposal.

Mr. McLean stated that due to the Councilmember’s support and the support of the neighbors, he would be inclined to vote in favor of this proposal.

Mr. Clifton acknowledged that this request could be granted due to the fact that it meets one of the criteria for approval which was the land use policy.

Mr. Clifton acknowledged the recommendation made by staff. He stated that the Commission should look at substance over form, and how the neighborhood is moving under the Councilmember’s leadership.

Ms. Cummings requested further clarification on the request.

Mr. Tyler questioned the number of rezonings this area has had in the past.

Mr. Loring mentioned the neighborhood support and stated he was in favor of approving.

Mr. Lawson suggested that the Commissioners base their decisions on policy and not solely on the request of the Councilmember.

Mr. Loring stated he did not agree with Mr. Lawson’s statement.

Mr. Clifton acknowledged the statement made by Mr. Lawson regarding policy. However, Mr. Clifton mentioned that approval could be granted due to the fact that the proposal meets the land use policy for the area; it has no opposition from the neighborhood; and that it would not set a precedent in the area due to the recent down zonings for this area and moved for its approval.

Mr. Lawson acknowledged that the motion made was based on the Commission’s regulations.

Mr. Clifton moved and Mr. McLean seconded the motion, which passed unanimously to approve Concept Plan 2006S-206U-10 with staff noted conditions. **(8-0)**

**Resolution No. RS2006-217**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-206U-10 is **APPROVED WITH** **CONDITIOSN. (8-0)**

**Conditions of Approval:**



1. Add a note that states, “Sidewalks to be constructed with the issuance of any building permits” on the face of the plat and not within the general notes.
2. Add a note that states that “The existing 70’ street setback will remain” on the face of the plat and not within the general notes. Remove the 40’ M.B.S.L. notation off the plat.
3. 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.”

**14. 2006S-209G-02**

Hidden Springs, Phase III  
Map 033-00, Part of Parcel 089  
Subarea 2 (1995)  
District 4 - Michael Craddock

A request for concept plan approval to create 18 lots on a portion of property located at 4045 Dickerson Pike, at the north end of Curtis Drive (10.0 acres), zoned RS20, requested by Jesse B. Cobb, owner, Batson & Associates, surveyor/engineer.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST -Concept Plan**

Request to subdivide 10 acres into 18 single-family lots located on a portion of property located at 4045 Dickerson Pike, at the north end of Curtis Drive.

**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.

**SUBDIVISION DETAILS** -The plan proposes 18 single-family lots ranging in size from 11,000 sq. ft. to 15,000 sq. ft. The application is proposing to use the cluster lot option which allows lots to be reduced in size to two base zoning districts. Since the zoning is RS20, 10,000 sq. ft. lots are appropriate if the plan meets all requirements of the cluster lot option policy.

Access - Access is proposed from the existing Curtis Drive, with a permanent cul-de-sac at each end. The portion of Curtis Drive that access is proposed from for this subdivision has not been platted, but has preliminary approval. The final plat for this addition cannot be recorded until the final plat for Hidden Springs, Phase II has been recorded.

This subdivision does not propose any future connection for future development. Staff recommends that a stub street be provided to the other portion of the parcel to the west for future connectivity to Dickerson Pike.

Open Space -There is 37% open space proposed, which is over the 15% requirement for cluster lot option policy. The Commission’s cluster lot policy requires common open space to have “use and enjoyment” value to the residents – recreational value, scenic value, or passive use value. Residual land with no “use or enjoyment” value will not be counted.

The proposed subdivision proposes a walking trail to the rear of the lots. The access to the walking trail is on each end of the cul-de-sac. If a stub street is not approved, then additional open space shall be provided possibly between lots 7 and 8 for another point of access to the walking trail from Curtis Drive.

Landscape buffer yards (Standard “C”—20 feet) are required and proposed along the perimeter of the property since the lots are under the base zoning and the adjacent zoning is CS.

Critical Lots -There are two critical lots proposed with slopes under 20%. Staff recommends that a grading plan be submitted with the final plat to make sure that the proposed buildings conform to the slopes.

Lot 18 -Lot 18 proposes to use area from an adjacent lot in Phase II of the Hidden Springs Subdivision. Lot 18 cannot be platted until Phase II has been recorded with the reconfigured buffer and lot 37 in that subdivision to correspond to this concept plan.

**STORMWATER RECOMMENDATION - Returned for Correction.**

1. Add the subdivision number, i.e., 2006S-209G-02, to the plat.
2. Add a bearings reference.
3. Correct the FEMA note. Specifically, the cited panels are incorrect. Cite panels 0136F and 0138F, and the associated publication date of April 20, 2001.
4. The boundaries of the plat are not clear. Appropriate correction is required.

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

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 required for street lighting in GSD.

#### **CONDITIONS**

1. Prior to final plat recordation, Hidden Springs, Phase II must be recorded with reconfigured buffer for lot 37 of that subdivision (allowing for additional area of lot 18 of this subdivision).
2. Prior to final plat recordation, a stub street is to be provided to the west to connect with the other portion of the parcel for access to Dickerson Pike in the future.
3. 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.

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

Mr. Bob Phillips, 61 Industrial Drive, spoke in favor of staff recommendation with the exception of including the stub street on Dickerson Road.

Mr. Loring spoke in favor of the proposal as well as the applicants request to exclude the stub street on Dickerson Road.

Mr. Tyler questioned whether notices for this proposal were sent out to residents affected by this proposal.

Ms. Harris stated they were sent out to those who live within 300 feet of the property.

Mr. Tyler briefly spoke of the history of this development. He stated he was unsure why no one from this neighborhood was at the meeting, due to the fact that Phase I had caused a lot of concern, particularly to traffic and connectivity issues.

Ms. Cummings requested additional clarification regarding the stub street in relation to the undeveloped commercial property.

Mr. Clifton spoke of the importance of connectivity and that he supports the staff recommendation.

Mr. McLean requested that Mr. Tyler again explain the original issues the neighbors had with Phase I of this development.

Mr. Tyler explained these concerns to the Commission.

Mr. Ponder stated he was in favor of approving the proposal without the condition of the stub street.

Mr. Ponder moved and Mr. Loring seconded the motion, to approve Concept Plan 2006S-209G-02, without condition #2 -- requiring a stub street to connect with the parcel to the west.

Ms. Jones agreed with the motion.

Mr. Clifton suggested that this development be deferred one meeting to allow additional time for the Commissioners to review the proposal and to request from staff, an additional analysis on the recommended stub street.

Mr. Lawson spoke in favor of the proposal without condition #2. He spoke of safety issues associated with the condition and also mentioned that without it, the proposal would provide for greenways and additional buffers for the neighborhood.

Mr. Ponder moved and Mr. Loring seconded the motion, to approve Concept Plan 2006S-209G-02, without condition #2 -- requiring a stub street to connect with the parcel to the west. **(5-3) No Votes – Tyler, Cummings, Clifton**

#### **Resolution No. RS2006-218**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-209G-02 is **APPROVED WITH CONDITIONS, WITHOUT CONDITION #2 REQUIRING A STUB STREET TO CONNECT WITH THE PARCEL TO THE WEST. (5-3)**

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

1. Prior to final plat recordation, Hidden Springs, Phase II must be recorded with reconfigured buffer for lot 37 of that subdivision (allowing for additional area of lot 18 of this subdivision).
2. ~~Prior to final plat recordation, a stub street is to be provided to the west to connect with the other portion of the parcel for access to Dickerson Pike in the future.~~
3. 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.”

**Amended at 1/25/07 MPC meeting – See Resolution No. RS2007-041**

## **XII. FINAL PLATS**

### **15. 2006S-202U-13**

Provincetown, Phase 3-A  
Map 163-00, Part of Parcel 154  
Subarea 13 (2003)  
District 32 - Sam Coleman

A request for final plat approval to create 3 lots and to dedicate public right-of-way and applicable easements on property located at Monroe Crossing, south of Cedar Ash Crossing (4.52 acres), zoned RM15, requested by Centex Homes, owner, Wamble & Associates, PLLC., surveyor.

**STAFF RECOMMENDATION – Approve with conditions**

#### **APPLICANT REQUEST -Final Plat**

A request to subdivide 4.52 acres into 3 buildable lots and to dedicate public right-of-way and applicable easements on property located at the end of Monroe Crossing within the Provincetown PUD, south of Cedar Ash Crossing.

#### **ZONING**

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

**SUBDIVISION DETAILS**-This plat proposes to subdivide one parcel into three multi-family lots, while leaving a 5.02 acre remnant parcel. State Law allows a remnant to remain unplatted, as long as it is five acres or greater and public road frontage. This plat proposes to plat a portion of Phase 3, as approved on the final Planned Unit Development site plan on February 26, 2004. This portion of Phase 3 is consistent with the Final PUD, as approved.

The issues of concern include the amount of pavement shown on the plat at the end of Wellesley Lane. Although the applicant for Phase 3A (Centex Homes) included right-of-way leading from this phase to a future Phase 6, they did not include pavement all the way to the property line leading to Phase 6 (which is owned by Tierra Development). The pavement stops approximately 55 feet short of the property line. Centex indicated they would not build the pavement to the property line since there is a stream that runs along the phase line between Phase 3A and Phase 6. Building this road would require approval from Metro Stormwater Management to cross the stream, including the construction of a bridge.

Wellesley Lane and the bridge are vital to the interconnectivity of the PUD. Staff recommends conditional approval including the requirement that Centex construct the road that leads to Phase 6, including a bridge over the stream. (As with any such infrastructure, the Planning Commission may accept a bond in lieu of construction.)

**PUBLIC WORKS RECOMMENDATION -No Exception Taken**  
**STORMWATER COMMENTS - Approved**

**CONDITIONS** -All future development in this PUD should take place only upon condition of the bridge in question being completed (or bonded in lieu of construction). The owner of Phase 3A shall be responsible for the construction of the roadway and bridge over the stream at the phase line between Phase 3A and Phase 6, including the bonding for the construction of the road that leads to Phase 6 (Wellesley Lane), including a bridge over the stream.

This same condition should be placed on all other applicants under this PUD in order to ensure that the roads and bridge are built to maintain required connectivity.

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 and mentioned connectivity issues relating to Phase 6.

Mr. Danny Wamble, 40 Middleton Street, spoke in favor of the proposal.

Mr. Brent Campbell, 404 Whistler Cove, spoke in opposition to the proposal.

Mr. Lawson requested that Mr. Fox comment on the issues mentioned regarding a bridge contained in this development.

Mr. Fox explained that this planned unit development which was approved by Council contains a bridge over a waterway. He stated the proposal was unique in character, due to the different phases of development, as well as no unity in ownership. He advised the Commission to add a condition that states that no further development take place in this approved planned unit development until the bridge is built or bonded fully, and that this condition be considered a blanket condition and used for any further approvals required for this PUD.

Mr. Fox addressed the fact that Mr. Campbell and Mr. Wamble both agreed to bond their half of the bridge at the meeting. He stated that this agreement could be difficult to enforce legally.

Ms. Jones spoke in favor of approving the agreement that each party will bond and build their half of the bridge. She expressed issues with enforcing either party to build a bridge that will not enhance their respective development.

Mr. Bernhardt explained that the requirement is that the bridge be fully bonded. He further stated that the method used in order to insure this bond would be up to the developers.

Mr. Fox offered clarification regarding the bonding of the bridge from Metro's perspective.

Mr. Bernhardt explained that the applicant was requesting that Phase 3A be approved with their commitment to bond only half the bridge. He stated that staff is recommending that the bridge be fully bonded and that it was up to the developers to determine how the bonding would transpire.

Ms. Jones then stated she had additional concerns with Mr. Campbell's points of opposition with the proposed development.

Mr. Leeman explained several changes were made to the original plan and noted that each change was brought to the Commission for either preliminary or final PUD approval. Street layouts, stub streets, open space areas were altered to provide better connectivity.

Mr. Ponder acknowledged the difficulty in providing connectivity to Mr. Campbell's Phase 6.

Mr. McLean agreed that a road should be built up to the end of the respective property lines or bonded. He expressed issues with each property owner having the ability to hold the bonding or building of the bridge over the other property owner's right to develop.

Mr. Leeman offered that staff is recommending that a bond be required for each phase of development.

Mr. Clifton spoke of the difficulties of the proposal. He suggested that maybe additional studies be completed prior to the Commission taking any action, thus deferring the item.

Mr. Lawson explained his perception of the issues associated with the proposal which were solely on the issue of bonding of the bridge, and it was not necessary to defer.

Mr. Fox suggested the possibility of deferring until both phases 3A and 6 could come before the Commission for approval which would allow a commitment from both applicants.

Mr. Clifton offered that the Commission re-open the Public Hearing to allow those interested parties another opportunity to speak.

Mr. Lawson expressed hesitation with this request and stated that it would be more appropriate for all parties to meet with staff and Metro legal to work out the issues and then return with their results at the next meeting.

There was an inaudible comment from Mr. Tom White who was in the audience.

Mr. Clifton then requested that the proposal be rolled down the agenda to allow additional time for the applicants to work out the issues and provide clarification on the proposal.

The motion to move the item to the end of the agenda was made by Mr. Ponder, but not seconded.

Mr. Loring suggested that all Commissioners be allowed to speak on the item prior to this motion.

Mr. Lawson commented on the procedures being suggested by the Commission, and suggested that the item be moved down the agenda or deferred.

Ms Jones then moved to have the item placed further down the agenda. This motion was not seconded.

Ms. Cummings stated she would not approve a proposal with only half of a bridge being bonded.

Mr. Loring spoke in favor of approving the proposal with the commitments made by both parties regarding the bridge. He stated he was not in favor of delaying development due to the bonding of a bridge that will not benefit the current phase of the proposal.

Mr. Lawson clarified with Mr. Fox his legal advice for this proposal.

Mr. Fox reiterated his advice to the Commission.

Mr. Lawson summarized that the Commission approve staff recommendation, and that the two parties enter into a private agreement to provide the necessary bonding for the bridge.

Mr. McLean offered that the development would still be delayed due to the fact that the bridge would require full bonding prior to moving forward.

Mr. Fox again stated that each phase of this development should be bonded in order to insure that the bridge will be constructed.

Mr. McLean moved and Mr. Loring seconded the motion to approve with conditions Final Plat 2006S-202U-13, except the requirement to bond for the bridge crossing the stream between Phase 3-A and Phase 6.

Mr. McLean suggested this motion be put on hold to allow additional time for the parties to meet and discuss the motion as recommended.

Mr. Lawson stated it would not be in good practice to delay this motion on the floor.

A brief discussion ensued regarding the motion on the floor and the two previous motions that were not seconded.

It was suggested that Mr. Fox provide his advice on the motion made by Mr. McLean.

Mr. Fox again explained his legal opinion on the motion to the Commission.

Mr. Bernhardt summarized the motion and the responsibilities of all parties involved if the motion were approved.

There were additional questions and scenarios suggested to better understand or amend the motion made by the Commission.

Mr. Bernhardt then spoke of a right-of-way issue between Phase 3A and Phase 6 that will become a requirement in order to allow for the construction of the bridge.

Mr. McLean moved and Mr. Loring seconded the motion to approve with conditions Final Plat 2006S-202U-13, with the deletion of the requirement to bond the bridge and with the expectation that the bridge will be built fully and bonded as part of Phase 6, and that right-of-way be dedicated. **(5-3) No Votes – Tyler, Cummings, Clifton**

#### **Resolution No. RS2006-219**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-202U-13 is **APPROVED WITH CONDITIONS, including a condition that the bonding for the bridge between Phase 3A and Phase 6 will be required at Phase 6. (5-3)**”

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

- 16. 135-78-G-14**  
Sullivan Commercial Center, Section 4  
Map 086, Parcel 231  
Subarea 14 (2004)  
District 12 - Jim Gotto

A request for a revision to the preliminary and for final approval for a portion of the undeveloped Commercial Planned Unit Development located on the east side of Andrew Jackson Parkway, north of Old Hickory Boulevard, classified CL, (.954 acres), to permit the development of a 7,160 square foot medical and office use, requested by John J. Kruse, applicant/owner.

**STAFF RECOMMENDATION – Approve with conditions, provided technical review comments have been addressed prior to the meeting**

#### **APPLICANT REQUEST - Revise Preliminary & Final**

Request to revise the preliminary PUD plan and for final PUD approval for the Sullivan Commercial Center PUD to allow for the development of two office buildings totaling 7,160 square feet, including medical office uses, located between Andrew Jackson Parkway (Chandler Road) and Andrew Jackson Way, approximately 550 feet north of Old Hickory Boulevard.

#### **PLAN DETAILS**

**History** - This PUD was originally approved by the Metro Council in 1978, as a Commercial PUD. The uses allowed under the Commercial PUD provisions in the prior Zoning Code are used as the allowable uses along with the current base zoning since uses are not clearly identified on the plans approved in 1978. This PUD has a base zoning of CL (Commercial Limited), which allows for the development of office and medical office uses. These uses were also allowed in a Commercial PUD at the time of the adoption of this PUD. Staff supports this application as a revision because the uses are allowed both under the current CL zoning and the Code at the time the PUD was approved.

**Proposed Plan** -The submitted plan proposes a 2,941 square foot office/medical office use and a 4,161 square foot medical office use. This PUD is located along Andrew Jackson Parkway (Chandler Road). Access to the site will be via a driveway on Chandler Road and another driveway on Andrew Jackson Parkway. The previously approved plan showed access on both roads.

**WATER SERVICES** -Water Services is completing the review of the project.

**RECOMMENDATION** - Staff recommends approval, provided Water Services has approved the plans prior to the meeting.

#### **PUBLIC WORKS RECOMMENDATION**

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance.
2. Joint access easement onto Andrew Jackson Parkway shall be provided for Proposed Lot 4B with parcel 204.

3. For Proposed Lot 4A, the existing cross access easement shall be realigned to match the proposed cross access shown in the plan.

#### **FIRE MARSHAL RECOMMENDATION**

1. No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road.
2. Fire hydrants should flow at least 1,000 GPM's @40 psi residual at the most remote hydrant.

#### **STORMWATER RECOMMENDATION (Technical Review Comments)**

1. The proposed flow pattern should be adjusted, no flow should go to the neighbor's property. Current plans show water from area A flows to the neighbor.
2. The plans are not consistent. Some plans show stormwater treatment unit; some do not.
3. The pipes should either cmp or rcp when they are located within ROW or crossing ROW.
4. All the water should be treated;
5. The time of concentration for pre-development seems to be too short. Please check roughness coefficient number and recalculate the Tc;
6. Provide drainage map showing sub-area for each structure;
7. Provide stage-area-discharge relationship for the routing calculations.
8. Submit the pond and treatment unit maintenance agreement and easement document;
9. NOC from TDEC.

#### **CONDITIONS (If Approved)**

1. 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.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including any required right-of-way dedications or reservations, any cross-access easements, and bonds shall be in place for public infrastructure improvements.
3. 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the plan for filing and recording with the Davidson County Register of Deeds.

#### **Resolution No. RS2006-220**

"BE IT RESOLVED by The Metropolitan Planning Commission that 135-78-G-14 is APPROVED WITH CONDITIONS. (8-0)

#### Conditions of Approval:

1. 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.
2. Prior to the issuance of any building permits, a final plat shall be recorded, including any required right-of-way dedications or reservations, any cross-access easements, and bonds shall be in place for public infrastructure improvements.
3. 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan

Planning Commission.

5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the plan for filing and recording with the Davidson County Register of Deeds.”

- 17. 70-85-P-13**  
Kensal Green, Phase 2  
Map150, Parcel 149  
Subarea 13 (2003)  
District 33 - David Briley

A request to revise a portion of the preliminary plan for the Residential Planned Unit Development district located south of Mt. View Road, at the terminus of Park Royal Lane, classified R15, (16.9 acres), to permit 42 single-family lots, where 42 lots were previously approved, requested by Wamble and Associates, for Jeffrey Meeks, owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST** - A request to revise a portion of the preliminary plan for the Residential Planned Unit Development district located south of Mt. View Road, at the terminus of Park Royal Lane, to permit 42 single-family lots, on 16.9 acres.

**Existing Zoning**

R15 district -R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.47 dwelling units per acre including 25% duplex lots.

**PLAN DETAILS** -The proposed plan revises the street and lot layout of the preliminary plan approved in 1985, for 42 single-family lots. It maintains the same number of lots with approximately the same design and location of the lots on the site. However, the current plan includes more connectivity and the plan has been redesigned to keep the lots and streets out of sinkholes on the site.

This phase is the last phase of a much larger PUD that extends to the north side of Mt. View Road. Phase 1 of Kensal Green, on the south side of Mt. View Road, includes 27 lots and was platted and built in the early 1990’s.

The proposed plan extends sidewalks on both sides of the main road (Park Royal Lane), and provides an additional stub street to the west.

Staff recommends approval of the proposed plan since it is consistent with the approved preliminary plan, and improves the connectivity and walkability within the area.

**FIRE MARSHAL’S RECOMMENDATION** - The Fire Marshal’s Office has indicated there are no issues with this plan.

**STORMWATER RECOMMENDATION** - No Exception Taken

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

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

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. Street lighting is required in the USD.

**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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in



specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

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

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

Mr. Terry Burns, Somerset Kensal Green HOA, spoke in opposition to the proposal.

Ms. Tabitha Mueller, 2200 Hillsboro Road, requested this item be deferred.

A resident of 3817 Park Royal Lane spoke in opposition of the proposal.

Mr. Richard Scott spoke in opposition to the proposal.

Mr. Danny Wamble, 40 Middleton Street, spoke in favor of the proposal.

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

Mr. McLean stepped out of the meeting.

Mr. Loring mentioned the PUD was previously approved and that he did not have any negative comments.

Mr. Tyler requested additional information regarding the sink holes mentioned in the proposal.

Mr. Leeman explained that the applicant was advised to reconfigure the plan due to the sinkholes and that the plan presented today was the revised plan.

Mr. Tyler asked if this revision required notification to area residents.

Mr. Leeman stated that the Commission rules do not require notification on planned unit development revisions. He stated that the Commission's agenda was posted in this weeks edition of the Davidson A.M.

Ms. Cummings summarized that the request is not a rezoning and the land has already been rezoned for the single-family lots. She also mentioned that the Commission does not handle any issues associated with blasting.

Mr. Leeman stated that if the request were an amendment, then it would have to be approved by Council which then would require public notification.

Mr. Ponder offered that the residents meet with the Councilmember to express their issues associated with the proposed development.

Mr. Lawson requested additional clarification regarding sink holes and the provisions that are in place to address them.

Mr. Leeman mentioned that staff would recommend an additional condition that if the sink holes were larger than originally shown on the preliminary plan, then a reduction in the number of lots may be necessary.

Mr. Lawson suggested this condition be added.

Mr. Mishu, Metro Stormwater, further explained the concept of a sinkhole to the Commission.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions the Revised Planned Unit Development 70-85-P-13, with the added condition that if the sinkholes are larger than originally shown on the preliminary plan, a reduction in the number of lots included in the plan may be necessary. (6-0)

**Resolution No. RS2006-221**

“BE IT RESOLVED by The Metropolitan Planning Commission that 70-85-P-13 is **APPROVED WITH CONDITIONS.** (6-0)

**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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

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Mr. McLean returned to the meeting.

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- 18. 97P-027G-06**  
Woodbury, Phase 2  
Map128, Part of Parcel 072  
Subarea 6 (2003)  
District 22 - Eric Crafton

A request for final approval for a portion of the Residential Planned Unit Development district located along the west side of Old Hickory Boulevard, north of Summit Oaks Drive, classified R15, (7.95 acres), to permit 11 single-family lots, requested by Barge Waggoner Sumner and Cannon, Inc., for Gallardia Properties, LLC and Vastland Realty Group, owner.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST -Final PUD**

A request for final approval for a portion of a residential Planned Unit Development located west of Old Hickory Boulevard, and north of Summit Oaks Court, classified R15 (7.95 acres), to permit the development of 11 single-family lots.

**PLAN DETAILS**

History -This residential PUD was originally adopted by the Metro Council in 1997 and allowed for the development of 115 multi-family units, and 11 single-family lots. The property remained undeveloped for years, and was revised in 2004 for the same number of units, but with a slightly different layout.

Site Design -This plan proposes 11 new lots on approximately 7.95 acres, and an overall density of 1.4 units per acre. As proposed the plan is consistent with the last approved preliminary plan.

The lots will be accessed by an extension of Summit Oak Court from the adjacent PUD, Summit Oaks from Old Hickory Boulevard. Due to steep topography, this phase will not connect to the multi-family phase along Old Hickory Boulevard.

The new extension of Summit Oak Court will stub to the west property line, which will allow for a future connection.

While the open space does not meet current policies, this is an older PUD that was approved under the previous policy. As proposed, 4.27 acres, 54% of the property will be in open space.

**PUBLIC WORKS RECOMMENDATION** -Approve except as noted:

1. All work within the public right of way requires an Excavation Permit from the Department of Public Works.
2. Proof-rolling of ALL street sub-grades is required in the presence of the Public Works' Inspector. This request is to be made 24 hours in advance.
3. Within residential development all utilities are to be underground. (Reference Ordinance No. BL2005-628).
4. Prior to construction, submit underground utility plan as approved by respective utility. Conduit for street lighting is required in the GSD.

**STORMWATER RECOMMENDATION** Approved except as noted:

1. Include a copy of the NPDES NOC letter and sign and date the NOI note on the plan set page C2.00.
2. No grading proposed for lots?
3. Provide some type of anti-clogging device for the 1" orifice in the permanent outlet control structure. A similar type of perforated riser (as the temporary) is recommended.
4. The note on sheet C2.00 just to the left of drainage structure 7 reference a detail on sheet 8.00. Where is this detail? I believe it is referring to a rip-rap pad.
5. Erosion control details should be included on the plan set instead of just referring to them in a note at the bottom right corner of sheet C2.00.
6. Callout the riprap at structure #7.
7. An area of 5.665 acres is shown draining to the water quality pond on the drainage area map, but an area of 9.10 acres is used in the water quality calculations. Please revise.
8. Provide a copy of the signed/notarized stormwater detention maintenance agreement.
9. Provide a copy of the easement and access easement for the water quality pond.
10. In the water quality calculations, the volume above the primary spillway should not be counted toward WQ volume.
11. Provide back-up calcs showing that the detention designed as part of Phase I was sized to include the area and corresponding "C" values determined for Phase II.
12. Provide stage-volume-area calculations for pond.
13. Provide pond routing information for ponds used in Hydroflow model.
14. What is 4.6 acres referring to in Hydroflow model. What is modeling trying to accomplish? Drainage areas are different on maps, WQ calculations, and model.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. 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.

3. This approval includes conditions which require correction 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 plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

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

**Resolution No. RS2006-222**

“BE IT RESOLVED by The Metropolitan Planning Commission that 97P-027G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. 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.
3. This approval includes conditions which require correction 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 plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

- 19. 2004P-028G-13**  
 Old Hickory Commons (Formerly Vaughn Property PUD)  
 Map175-00, Parcel 016  
 Subarea 13 (2003)  
 District 32 - Sam Coleman

A request for final approval for a Planned Unit Development district located on the west side of Old Hickory Boulevard, 1,600 feet north of Logistics Way, classified RM6, (60.43 acres), to permit 343 multi-family units and 19 single-family lots, requested by Old Hickory Commons, LLC, owner and MEC, Inc., applicant.

**STAFF RECOMMENDATION – Approve with conditions**

**APPLICANT REQUEST - Final PUD**

Request for final PUD approval to permit 343 multi-family units and 19 single-family lots located on the west side of Old Hickory Boulevard, 1,600 feet north of Logistics Way.

**ZONING**

RM6 -RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

**PLAN DETAILS**

Site Design -The plan proposes 343 multi-family units and 19 single-family lots proposed ranging in size from 3,300 square feet to 6,100 square feet.

Access is proposed from Old Hickory Boulevard with future connections proposed from Ashford Trace to the north and Sprucedale Drive to the west. Additional stub streets are provided to the north and south for future connections. There is a network of public streets and private drives throughout the proposed development. Rear access is proposed for the multi-family units and single-family lots that will be accessed by alleys.

A trail is provided to connect to the proposed 17.20 acre park dedication to the north.

The applicant is also proposing to dedicate 120' of right-of-way for the future southeast parkway.

The parking requirements for the multi-family units have been met. The proposed amount of parking spaces is 806 spaces and the required amount is 804 spaces.

There is a 10 foot front setback for the multi-family unit which is permitted within this PUD.

Staff Recommendation -Staff recommends approval with conditions. The plan is consistent with the preliminary plan approved by Metro Council in March 2005. It also meets all requirements of the subdivision regulations and Metro Zoning Ordinance.

**PUBLIC WORKS RECOMMENDATION** - Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of public roadway or site construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION** - Construction plans approved on May 9, 2006.

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

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

**Resolution No. RS2006-223**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-028G-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. 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."

- 20. 2005P-030G-14**  
Ravenwood Community, Phase 1  
Map 085-00, Parcel 213  
Subarea 14 (2004)  
District 14 - Harold White

A request for final approval for a phase of a residential Planned Unit Development located on the north side of Stones River Road (unnumbered), approximately 590 feet northwest of Lebanon Pike, classified RS10 (20.5 acres), to permit the development of 55 single-family lots, requested by Civil Site Design Group, applicant, for FWB Investments, owners.

**STAFF RECOMMENDATION – Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development to July 13, 2006, at the request of the applicant. (7-0)**

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

21. A new employee contract for Russell Scott Adams and an amended contract for Matt Meservy.

Approved, (8-0) *Consent Agenda*

22. Correction to 2/23/06 Planning Commission Minutes

#### **Resolution No. 2006-**

WHEREAS, on March 9, 2006, the Metropolitan Planning Commission adopted the Meeting Minutes of February 23, 2006; and

WHEREAS, the following items in those minutes were incorrect and should be corrected:

1.. Resolution No. 2006-077 of the February 23, 2006, meeting should be corrected to read:

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-080U-10 is **APPROVED WITH CONDITIONS (8-0), including an amended condition showing that EACH lot is permitted to have only one vehicular access driveway; lot 2 onto Compton Road, and lot 1 onto Sharondale Drive.**

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

1. Show professional seal.

2. Show and dimension right of way along Sharondale Drive. Label and dedicate 5' of right of way (30 feet from centerline), consistent with the approved major street/collector plan. Alternatively, a right of way reservation would be acceptable.

3. Relocate the driveway on lot 2 away from the radius of Compton Road/Sharondale Drive intersection.

5. Prior to final plat recordation, the plat must be revised to add a sidewalk along the frontage of Sharondale Drive for the new lot (lot 1), or add the sidewalk financial contribution note to the plat in a large, bold type.

6. Prior to final plat recordation, the plat must be revised to add a note to the plat indicating that the house on lot 2 must have an appropriate façade that addresses both Compton Road and Sharondale Drive.

7. Prior to final plat recordation, the applicant must add a note to the plat, in a large, bold type, that reads that both lots will share one vehicular access to either Compton Road or Sharondale Drive via a shared access driveway each lot is permitted to have only one vehicular access driveway; lot 2 onto Compton Road, and lot 1 onto Sharondale Drive

8. Prior to final plat recordation, the plat must be revised to designate the right-of-way contribution as a reservation, and revise the lot areas accordingly.”

NOW THEREFORE BE IT RESOLVED that the Metropolitan Planning Commission hereby ADOPTS the corrected minutes of February 23, 2006.

Mr. Kleinfelter explained the correction of the February 23, 2006 meeting minutes to the Commission. He stated that the copy of the correction was not included in the packet of information sent to the Commissioners.

Mr. Loring moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the correction to the February 23, 2006 meeting minutes. (7-0)

**Resolution No. RS2006-224**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Correction to the February 23, 2006, Planning Commission Minutes is **APPROVED. (8-0)**”

23. Executive Director Reports

24. Legislative Update

**XV. ADJOURNMENT**

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

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

**Equal Employment Opportunity Employer**



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