



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission**

*August 24, 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  
Ann Nielson  
Victor Tyler  
James McLean  
Councilmember J.B. Loring

**Staff Present:**

Richard Bernhardt, Executive Director  
Ann Hammond, Asst. Executive Director  
Ted Morrisey, 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  
Dennis Corrieri, Planning Tech I  
Cynthia Wood, Planner III

**I. CALL TO ORDER**

The meeting was called to order at 4:07 p.m.

**II. ADOPTION OF AGENDA**

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

**III. APPROVAL OF AUGUST 10, 2006 MINUTES**

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve the August 10, 2006 minutes as presented. **(8-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Hunt spoke in favor of the conditional approval of Item #23, 2005P-010G-02, Nashville Commons Final PUD. He did however, speak of a concern regarding blasting that would be associated with the proposal, and stated that he would continue to work with the appropriate authorities on the issue.

Councilmember Craddock did not address the Commission.

Councilmember Dread explained he was representing Councilmember Wallace and that they were both in favor of approving Item #7, 2006Z-138U-10. He stated that the parcel is located in an area with similar uses and that the proposal was be an enhancement for the area.

Councilmember Ryman did not address the Commission.

Councilmember Isabel spoke in opposition to Item #3, 2006S-231U-03, Nocturne Village. He explained that he has been unable to resolve the connectivity issues included in the plan, and that he and the constituents affected by the proposal, are not in favor of its approval. Councilmember Isabel then spoke in favor of the Subarea 8 Plan

Amendment, which included Item #1, 2006SP-108U-08, Metrocenter Auto Facility. These items were on the Consent Agenda for approval.

Mr. McLean requested that Councilmember Isabel clarify the connectivity issues he had with Item #3, 2006S-231U-03.

Councilmember Isabel explained the issues to the Commission.

Ms. Cummings arrived at 4:15 p.m.

Councilmember Williams spoke in favor of Item #8, 2006Z-139U-10 which was on the Consent Agenda for approval. She then mentioned she was in favor of staff's recommendation to disapprove Item #20, 2006S-279U-10, Russwood Heights due to neighborhood issues as well as the overall layout of the proposed subdivision.

Councilmember Cole did not address the Commission.

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

- |     |               |   |   |
|-----|---------------|---|---|
| 4.  | 2006S-262U-10 | Holshouser Property - Request for final plat approval to create 2 lots on property located at 3907 Estes Road, approximately 390 feet south of Abbott Martin Road (1.69 acres), zoned RS20, requested by John and Sandra Holshouser, owners, Weatherford & Associates, surveyor | - deferred to September 14, 2006 at the request of the applicant. |
| 5.  | 2006Z-030U-13 | Request to change from AR2a to CS district property located at Una Antioch Pike (unnumbered), northeast corner of Una Antioch Pike and Good Drive (.23 acres)   | - deferred to September 28, 2006 at the request of the applicant  |
| 9.  | 2006Z-140U-10 | Request to change from R10 to RS10 zoning various properties located south of Sharondale Drive on 22 <sup>nd</sup> Avenue South (10.41 acres)   | - deferred to September 28, 2006 at the request of the applicant. |
| 10. | 2006Z-143U-10 | Request to change from R20 to RS20 zoning various properties located east of Hilldale Drive on Sugartree Road, Sugartree Place, and Kenway Road (31.25 acres)   | - deferred to September 28, 2006 at the request of the applicant. |
| 11. | 2006Z-144U-10 | Request to change from R40 to RS40 zoning various properties located north of Battery Lane, approximately 230 west of Lealand Drive (5.71 acres)  | - deferred to September 28, 2006 at the request of the applicant. |
| 19. | 2006S-273G-02 | Blair Manor - A request for final plat approval to create 1 lot on property located at Agee Road (unnumbered), approximately 330 feet east of Appletree Road (0.49 acres), zoned RS20   | - deferred indefinitely at the request of the applicant.          |

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. **(9-0)**

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

- |      |   |   |                               |
|------|---|---|-------------------------------|
| VII. | A request to amend the plan for Subarea 8: The North Nashville Community: 2002 Update, Metrocenter - North Rhodes Park Detailed Neighborhood Design Plan, to go from mixed use in Community Center to Commercial in Community Center policy for approximately 10.37 acres for property located between Metrocenter Boulevard, Dominican Drive, and I-65 |   | - Approve with Special Policy |
| 1.   | 2006SP-108U-08  | Request to change from MUL and R6 to SP zoning various properties bounded by Metrocenter Boulevard, Dominican Drive, and Clay Street (4.96 acres) to permit a new automobile sales and service complex with two buildings totaling 32,225 sq. ft. | - Approve w/conditions        |

## **ZONING MAP AMENDMENTS**

- |     |               |   |   |
|-----|---------------|---|---|
| 8.  | 2006Z-139U-10 | Request to change from R20 to RS20 zoning various properties located south of Hobbs Road on Lindawood Drive, Colewood Drive, Castleman Drive, Trimble Court, Trimble Road, Wallace Lane and LaVista Drive                                   | - Approve   |
| 12. | 2006Z-146T    | An ordinance to amend the definition of "family" to include a group of not more than eight unrelated persons being treated for drug and/or alcohol abuse or dependency  | - Approve   |
| 14. | 2006Z-149T    | An ordinance amending Section 17.40.740 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow Members of Council to waive the zoning application fee for rezoning property from a mixed-use district to a residential district | Staff recommends no official position on the bill |

**X. CONCEPT PLANS**

- |     |               |  |                        |
|-----|---------------|--|------------------------|
| 15. | 2006S-116G-06 | Westbrook Pointe - Request for concept plan approval to create 78 lots at 8840 Highway 70, approximately 1,120 feet east of McCrory Lane | - Approve w/conditions |
|-----|---------------|--|------------------------|

**FINAL PLATS**

- |     |               |   |                        |
|-----|---------------|---|------------------------|
| 18. | 2006S-258G-04 | Lots 5, 6 & 7 Crestview Estates - Request for final plat approval to create 6 lots on various properties located at Brooks Avenue (unnumbered), | - Approve w/conditions |
|-----|---------------|---|------------------------|

**PLANNED UNIT DEVELOPMENTS AND SPECIFIC PLANS**

- |     |               |  |                        |
|-----|---------------|--|------------------------|
| 21. | 88P-020G-04   | Woods of Neeley's Bend, Phase 3 (Formerly Pawnee Trail) - Request for final approval for Phase Three of the residential Planned Unit Development district located east of Comanche Run, and, west of Pawnee Trail, to permit the development of 36 single-family cluster lots  | - Approve w/conditions |
| 22. | 97P-036U-05   | The Parks at Riverwood (Formerly Riverwood Riding Academy) - Request for revision to the preliminary, and final approval for a Residential Planned Unit Development located on the east and west side of Cooper Lane, to permit the development of 38 townhomes, and 106 single-family lots  | - Approve w/conditions |
| 23. | 2005P-010G-02 | Nashville Commons Final PUD - Request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development district located along the west side of Dickerson Pike, north of Doverside Drive, (125.71 acres), to permit 718,079 square feet of retail and restaurant uses in the overall PUD, and for Final PUD approval for 640,679 square feet of retail and restaurant uses | - Approve w/conditions |
| 24. | 2005P-017G-06 | Shoppes on the Harpeth - Request to revise the preliminary approval for a planned unit development (10.57 Acres), located between Harding Pike and Highway 100 (7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike) to permit one bank totalling 4,100 square feet, three restaurants totaling 9,400 square feet, and 39,000 square feet of retail                          | - Approve w/conditions |
| 25. | 2005P-027U-05 | Home Depot - Request for final approval for a Commercial Planned Unit Development district to be located along the west side of Gallatin Pike and along the north side of Joyce Lane, to permit the development of a 135,347 square foot retail building, and two 3,600 square foot restaurant outparcels  | - Approve w/conditions |

**OTHER BUSINESS**

- |     |  |           |
|-----|--|-----------|
| 27. | Employee Contract Renewal for David Kline and a New Employee Contract for Carrie R. Logan. | - Approve |
|-----|--|-----------|

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (9-0)

**VII. A REQUEST TO AMEND THE PLAN FOR SUBAREA 8: THE NORTH NASHVILLE COMMUNITY: 2002 UPDATE, METROCENTER - NORTH RHODES PARK DETAILED NEIGHBORHOOD DESIGN PLAN, TO GO FROM MIXED USE IN COMMUNITY CENTER TO COMMERCIAL IN COMMUNITY CENTER POLICY FOR APPROXIMATELY 10.37 ACRES FOR PROPERTY LOCATED BETWEEN METROCENTER BOULEVARD, DOMINICAN DRIVE, AND I-65**  
(Deferred from August 10, 2006)

**Staff Recommendation** - *Approve with Special Policy*

**APPLICANT REQUEST** -A request to amend the North Nashville Community Plan: 2002 Update, MetroCenter – North Rhodes Park DNDP to go from Mixed Use to Commercial Detailed Land Use policy with a Special Policy overlay for approximately 10.37 acres for property located between MetroCenter Boulevard, Dominican Drive, and Interstate 65.

**DETAILED LAND USE POLICIES**

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

**Commercial (Com)** -This category includes buildings that are entirely commercial in use with no residential. It is envisioned that mixed commercial buildings (e.g. retail, office) locate shopping uses at street level and office uses on upper levels to encourage an active street life.

**ANALYSIS** -This amendment is being requested to enable the applicant to develop a use on the property that is supported by the underlying Structure Plan policies (Corridor Center and Neighborhood Urban), but not the Mixed Use Detailed Land Use policy that applies to the site. The use in question is an automobile dealership, which is a use that can be accommodated in Corridor Center areas subject to appropriate design standards being met. Corridor Center areas (referred to as Community Center areas in subsequent community plans) are places where the consumer needs of a group of several neighborhoods are met. Larger Corridor Center areas such as this that have access not only to a four-lane arterial street but also to an interstate interchange would be expected to contain uses such as auto dealerships that may draw from an even broader market area. This is certainly true for the MetroCenter area, which already contains other large auto dealerships as well as major uses such as the Watkins College of Art and Design, Ted Rhodes Golf Course, and several large employers.

A small portion (3.19 acres, or 30%) of the amendment area is within Neighborhood Urban rather than Corridor Center Structure Plan policy, although it is in Mixed Use Detailed Land Use policy in both cases. This property is in the part of the amendment area where Dominican Drive crosses the interstate. There is no significant difference between the two Structure Plan policy areas in this instance given the location against the interstate and the predominantly commercial and light industrial character of the area.

Although the use in question is generally appropriate within the overall area, staff proposes a Special Policy because of the context relative to the rest of the DNDP area and adjacent neighborhoods. This site is part of the gateway into MetroCenter as one travels from downtown, and is correspondingly part of the gateway into the downtown area from MetroCenter. Its significance as such needs to be recognized, particularly if a use featuring a low-elevation structure that is set well back from the bounding streets is developed rather than multi-story mixed-use buildings that closely frame the streets. Therefore, the following Special Policy is recommended for the area:

Special Policy Area 1- This Special Policy applies to the Commercial policy area between MetroCenter Boulevard, Dominican Drive, and Interstate 65. In order to preserve and enhance this area's role as a gateway both for the MetroCenter and Downtown areas, the following objectives apply to development within it:

- a) Maintain or enhance the existing landscaping and signage that identify the area as a gateway to MetroCenter;
- b) Begin to establish features that identify the area as a gateway to Downtown Nashville;
- c) Protect existing mature trees to the maximum extent possible, particularly around the periphery of the site adjacent to the bounding streets, and treat them as integral to site design;
- d) Utilize techniques such as solid walls and landscaping to define the perimeter of the site and create a street wall.
- e) Construct buildings of high-quality, durable materials;
- f) Construct signage that is appropriately scaled for an environment that welcomes pedestrian, vehicular, and bicycle traffic.

Approved with special policy, (9-0) **Consent Agenda**

**Resolution No. RS2006-280**

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO AMEND THE PLAN FOR SUBAREA 8: THE NORTH NASHVILLE COMMUNITY: 2002 UPDATE, METROCENTER – NORTH RHODES PARK DETAILED NEIGHBORHOOD DESIGN PLAN, TO GO FROM MIXED USE IN COMMUNITY CENTER TO COMMERCIAL IN COMMUNITY CENTER POLICY FOR APPROXIMATELY 10.37 ACRES FOR PROPERTY LOCATED BETWEEN METROCENTER BOULEVARD, DOMINICAN DRIVE, AND I-65 is **APPROVED. (9-0)**”

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

**1. 2006SP-108U-08**

Metrocenter Auto Facility

Map 081-04, Parcels 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107

Map 081-04, Parcels 111, 113, 114, 122, 123, 124, 125

Subarea 8 (2002)

Council District 2 - Jamie D. Isabel, Sr.

A request to change from MUL and R6 to SP zoning various properties bounded by Metrocenter Boulevard, Dominican Drive, and Clay Street (4.96 acres), to permit a new automobile sales and service complex with two buildings totaling 32,225 square feet, requested by Barge Cauthen & Assoc. Inc., applicant, for Metrocenter Properties Inc., CB & J Properties LLC, South Central Bell Telephone Co., Felix Wade et ux, and Strickland Enterprises, owners.

**STAFF RECOMMENDATION: If the associated North Nashville Community Plan is amended, then staff recommends approval with conditions.**

**APPLICANT REQUEST - Preliminary SP**

A request to change approximately 4.96 acres from mixed use limited (MUL) and residential single-family (R6) to specific plan (SP) zoning on various properties bounded by Metrocenter Boulevard, Dominican Drive, and Clay Street, to permit a new automobile sales and service complex with two buildings totaling 32,225 square feet, and an existing telephone utility/communication facility.

**Existing Zoning**

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

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

### **Proposed Zoning**

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

### **NORTH NASHVILLE COMMUNITY PLAN**

#### **Existing Policies - Structure Policy**

Corridor 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. 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.

#### **Detailed Policy**

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

#### **Proposed Policy -Detailed Policy**

Commercial in Corridor Center C in CC -Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.

**Consistent with Policy?** - Yes. The proposed Specific Plan is consistent with the area’s Corridor Center policy and the proposed Commercial detailed policy. The proposed SP zoning is not consistent with the existing Mixed Use detailed land use policy, however.

### **PLAN DETAILS**

Site Plan - The site plan calls for two individual buildings totaling 32,225 square feet of area that will be used for automobile display office/sales use and maintenance and repair. The site also contains an existing telephone utility/communication facility, which will remain on the property. The site will be accessed from two locations off Dominican Drive, and from a right only entrance off of Metrocenter.

As proposed, 264 parking spaces will be provided. Parking will be used for customer and employee parking as well as for automobile display.

Landscaping is provided throughout the site with a majority of the landscaping being along Metrocenter Boulevard. Because Metro Center Boulevard is a gateway into Metro Center, staff recommends that the landscaping along Metro Center Boulevard should be intensified.

**Street Closure** - In 2002, the Metro Council abandoned 5<sup>th</sup> Avenue North, which ran through this property from Dominican to Clay Street.

**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. Final design and improvements may vary based on field conditions.

The developer shall comply with the following conditions or submit an access study:

- (1) Realign the driveway at Dominican Drive directly across from the intersection of French Landing.
- (2) Provide one entering lane and two exiting lanes at the driveway onto Dominican Drive.
- (3) Construct a dedicated left turn lane (in the existing median) on French Landing at Dominican Drive. The left turn lane shall have 75 ft of storage and an auxiliary taper per AASHTO/MUTCD standards.
- (4) Provide connectivity/cross access to the development (Starbucks) west of this site.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With convenience market (951)	4.96	0.094	20,309	14,989	1,361	1,065

\*Adjusted as per use

**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
Car Dealership()	4.96		32,225	1,075	67	86

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	4.96			-13,914	-1,294	-979

**STORMWATER RECOMMENDATION** - Approve with the following conditions.

1. Add 78-840 Note: "Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by the Metropolitan Department of Water Services."
2. 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."
3. Add Access Note: "Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site."
4. 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)."

**CONDITIONS (If approved)**

1. Any sign shall be monument type and limited to no more than 4 feet in height and no larger than 20 square feet in area.
2. Prior to approval of the final development plan, the project should be given a new title.
3. Landscaping along Metro Center Boulevard, including increased landscaping to identify the area as a gateway to Metro Center, must be approved by planning staff prior to approval of the final development plan.
4. Prior to final SP approval, the plan must identify the size and use of the telephone utility located on the property.

5. 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
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for improvements in the public right of way.
7. Subsequent to enactment of this Specific Plan 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 district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
8. 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 CS zoning district.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. A revised plan showing all required revisions and listing all conditions of approval shall be submitted within 60 days after the PUD has received the final approval of the Metro Council.

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

**Resolution No. RS2006-281**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-108U-08 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Any sign shall be monument type and limited to no more than 4 feet in height and no larger than 20 square feet in area.
2. Prior to approval of the final development plan, the project should be given a new title.
3. Landscaping along Metro Center Boulevard, including increased landscaping to identify the area as a gateway to Metro Center, must be approved by planning staff prior to approval of the final development plan.
4. Prior to final SP approval, the plan must identify the size and use of the telephone utility located on the property.
5. 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
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for improvements in the public right of way.
7. Subsequent to enactment of this Specific Plan 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 district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
8. 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 CS zoning district.



9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. A revised plan showing all required revisions and listing all conditions of approval shall be submitted within 60 days after the PUD has received the final approval of the Metro Council.

**The proposed SP district is consistent with the North Nashville Community Plan's Corridor Center structure policy and the newly amended Commercial in Corridor Center policy, which are both intended for residential office and commercial activities."**

2. **2006SP-134G-01**  
Family Foundation Fund  
Map 021-00, Parcel 059  
Subarea 1 (2003)  
Council District 1 - Brenda Gilmore

A request to change from AR2a and RS40 to SP zoning to permit a 6,236 square foot building to be use as a boarding house for children and all other uses allowed in the AR2a district on property located at 6483 Clarksville Pike, approximately 850 feet west of Old Clarksville Pike (7.0 acres), requested by SSOE Inc, applicant for Family Foundation Fund, owner.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST - Preliminary and Final**

A request to change approximately 7 acres from agricultural and Residential (AR2a) and residential single-family (RS40) to specific plan (SP) zoning and approval of the final development plan on property located at 6483 Clarksville Pike for a 6,236 square foot building to be used as a boarding house for children and all other uses allowed in the AR2a district.

**NEW ISSUES SINCE AUGUST 10, 2006, COMMISSION MEETING-**The Commission requested staff to address issues raised at the August 10, 2006, meeting by the district Councilmember. Specifically, the Councilmember raised concerns about the possible location of a cemetery on the property and the number of potential residents.

**Grave Sites** - Concerns regarding the possibility of a family grave site located on the property have been expressed by area residents. Metro data does not identify a grave site on the property, and at this time no official documentation has been presented to planning staff confirming the presence of a grave site. Planning staff has received a letter from Nick Fielder (Tennessee Division of Archeology) indicating the best possible location of any grave site, but that he was not able to locate any graves on his inspection. Mr. Fielder recommends that no more work be done on the site until a State approved archaeological consultant has determined that graves are not located on the site, or if they are present, that the location is identified and that the appropriate measures are taken to ensure the protection of the site.

**Number of Residents** - The applicant has indicated that the typical number of residents will be six, which includes two adults who will permanently reside in the home, and four participants of the program. While the typical number of residents in the home will only be six, the building is large enough to house more residents. To ensure that the use is not too intense for the area, staff recommends that the total number of residents be limited to sixteen, which would include 14 participants, and two adults.

#### **Existing Zoning**

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

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

Proposed Zoning

August 24, 2006 MPC Meeting Minutes

**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.

**JOELTON COMMUNITY PLAN POLICIES**

**Rural (R) - R** policy is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate. Public Benefit uses are also appropriate in rural policy areas.

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

**Consistent with Policy?** - Yes. The proposed use is “Boarding House”. The Metro Zoning Code defines a “boarding house” as a residential facility or a portion of a dwelling unit for the temporary accommodation of persons or families in a rooming unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services. As proposed, one permanent family will reside on the property and children will be housed temporarily while participating in an enrichment program. The program is voluntary, and the program is not for profit, and would be classified as a Public Benefit use. The Planning Commission’s Land adopted Use Policy Application document stipulates that Public Benefit uses are appropriate in areas designated with Rural policy. Due to the low intensity of the proposed use, it should have no negative impact on the adjacent area. The area designated with the Natural Conservation Policy will remain undeveloped and in its natural state.

**PLAN DETAILS** - The plan calls for a two-story, 6,236 square foot building. According to the applicants the building will consist of two separate modular homes that will be connected as a duplex. The home will house one permanent family who will temporarily care for fatherless children while participating in an enrichment program on the property. To ensure that the proposed use remains limited in intensity, the program should be limited to no more than 16 residents at any time.

**Permitted Uses** - Limited uses in this SP district will include room and board for young boys and two adults limited to no more than 16 total residents at any time, and for all other uses allowed in the AR2a district. Permitted uses on the site will also include educational and life experience training, as well as special events. The table below specifies the typical number of residents during the week and weekend, as well as summer days and during special events.

	Typical Weekday	Typical Weekend	Summer Summer	Summer Days Only	Vegetable Stand	Blessing Service*	End of Camp Grill Out**
<b>Adults</b>	2	2	2	12	1	10	15
<b>Children</b>	4	0	4	12	3	10-26	46-65

\*Occurs 1-4 times a year depending on the number of birthdays in the program

\*\*Occurs once a year typically the second week of June (All parking will be on site)

**Access** - The site will be accessed from Clarksville Pike. Access will be provided from an existing driveway that is not located on the property. If an easement does not currently exist then one should be recorded with the Register of Deeds.

**Environmental** - The property contains slopes greater than 20%; however, as proposed these areas will be left undisturbed. The development will also be on septic. Subsequent Council approval, a final plat shall be recorded locating the septic fields.

**Staff Recommendation** - Since the request is consistent with the areas Natural Conservation and Rural policy, staff recommends that the request be approved with conditions.

**RECENT REZONINGS** - None

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

1. All Public Works' design standards shall be met prior to 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. Show and dimension ROW along Clarksville Pike at property corners. Label and show reserve strip for future ROW 54 feet from centerline to property boundary, consistent with the approved major street plan (R2 – 108 ft minimum functional ROW).

**STORMWATER RECOMMENDATION** - This project does not meet the minimum criteria to require stormwater treatments.

#### **CONDITIONS**

1. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding the use table above. The table must reflect that the maximum number of residents at any one time shall be limited to 16 or less.
2. Prior to the issuance of any permits, a State approved archeological consultant must survey the property and determine if a grave site is located on the site. If a grave site is present, it shall be identified on the site plan, and appropriate measures shall be taken to ensure its protection.
3. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding a note that only one non-illuminated sign shall be permitted.
4. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding: "Final Development Plan" to title.
5. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff that identifies and dimensions ROW along Clarksville Pike at property corners. Label and show reserve strip for future ROW 54 feet from centerline to property boundary, consistent with the approved major street plan (R2 – 108 ft minimum functional ROW).
6. Prior to application for a building or grading permit, a final plat shall be recorded locating the septic fields.
7. 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 AR2a zoning district.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division.
9. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Department of Public Works for all improvements within public rights of way.

10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. 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.
12. 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.
13. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval.

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

Mr. Lawson requested clarification on whether the staff recommendations were communicated to Councilmember Gilmore.

Mr. Bernhardt explained that the information was given to Councilmember Gilmore and that staff had not received any comments back on the recommendations.

It was further discussed that the information regarding the alleged gravesites as well as the total number of occupants allowed within the dwelling at one time, were addressed by staff, and added as conditions.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with conditions Zone Change 2006SP-134G-01. **(9-0)**

**Resolution No. RS2006-282**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-134G-01 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding the use table above. The table must reflect that the maximum number of residents at any one time shall be limited to 16 or less.
2. Prior to the issuance of any permits, a State approved archeological consultant must survey the property and determine if a grave site is located on the site. If a grave site is present, it shall be identified on the site plan, and appropriate measures shall be taken to ensure its protection.
3. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding a note that only one non-illuminated sign shall be permitted.
4. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding: “Final Development Plan” to title.
5. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff that identifies and dimensions ROW along Clarksville Pike at property corners. Label and show reserve strip for future ROW 54 feet from centerline to property boundary, consistent with the approved major street plan (R2 – 108 ft minimum functional ROW).
6. Prior to application for a building or grading permit, a final plat shall be recorded locating the septic fields.

7. 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 AR2a zoning district.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division.
9. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Department of Public Works for all improvements within public rights of way.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. 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.
12. 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.
13. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval.

**The proposed SP district is consistent with the Joelton Community Plan's Rural and Natural Conservation policies, which are intended for agricultural, low intensity residential, and public benefit uses."**

### CONCEPT PLANS

3. **2006S-231U-03**  
 Nocturne Village  
 Map 070-03, Parcels 006, 007  
 Map 070-07, Parcels 062, 063  
 Subarea 3 (2003)  
 Council District 2 - Jamie D. Isabel

A request for concept plan approval to create 35 lots on properties located at 869 West Trinity Lane, West Trinity Lane (unnumbered), Walker Lane (unnumbered), Overall Street (unnumbered), north of the intersection of West Trinity Lane and Roy Street (13.20 acres), zoned RS7.5 and RS20, requested by Florine Holt, owner, and McKinney Engineering, engineer and surveyor.

### **STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST - Concept Plan**

A request for Concept Plan approval to subdivide 13.20 acres into 35 single-family lots on property along the north side of West Trinity Lane, south of Walker Lane.

#### **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.

The 11.07 acre portion of the site zoned RS7.5 permits a maximum of 64 lots on this property.

**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.

The 2.13 acre portion of the site zoned RS20 permits a maximum of 5 lots on this property.

### **BORDEAUX-WHITES CREEK COMMUNITY PLAN**

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

**SUBDIVISION DETAILS** - The proposed plan includes 35 single-family lots on 13 acres. The property is currently located in an area with several platted rights of way, but where the roads were never built. The plan utilizes one of the old right-of-ways and ties into existing Walker Lane to the north. Staff supports this connection since it will provide for greater connectivity in the area, and since one connection in this area was recently eliminated. The Metro Council approved terminating the connection of Nocturne Forest Drive to Buena Vista Pike on the western end of Nocturne Forest Drive in 2001.

**Double Frontage Lots** - Five lots along West Trinity Lane have double frontage, which requires a 20 foot landscape buffer yard according to the Zoning Code. Although Chapter 3-4.3 says that double frontage lots should be avoided, staff recommends approval of these double frontage lots on West Trinity Lane due to the severe grade along West Trinity Lane created when West Trinity Lane was straightened and widened. Staff worked with the applicant to design portions of the interior of the subdivision with rear access, but due to limited space were not able to accomplish this along West Trinity Lane.

**Variance for street frontage** - Lots 23 and 24 are proposed without public street frontage. Chapter 3-4.2b requires each lot to have frontage on a public street. While lots 23 and 24 do not have frontage on a public street, they do have rear access through a 20 foot wide alley. The pavement width of this alley will be 18 feet.

**PUBLIC WORKS RECOMMENDATION** - 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.

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 Urban Service District.

Developer shall construct Walker Lane with a standard 3-lane cross section from Trinity Lane to Nocturne Lane with transitions per AASHTO standards.

### **STORMWATER RECOMMENDATION**

1. Add the subdivision number, i.e., 2006S-231U-03, to the plat.
2. Add a bearings reference.
3. Provide a water quality concept for lots 7-15 and 38.
4. There are two FEMA notes present on the plat. Strike the note that cites FEMA panel 0359 F, as said panel is incorrect.
5. The detention/WQ pond must reside in, "Open Space."
6. The plat cannot be approved prior to the abandonment of the Day Street ROW. The lot layout will have to change if the abandonment application is not approved.

**WATER SERVICES RECOMMENDATION** - Sewer Lines should be aligned such that the pipe is not under the sidewalks. In addition, sewer lines running under and/or through detention ponds should be avoided. A minimum of 20 feet is required for sewer easement width. Widths of existing easements should be shown on the plat. "Open Space" should be listed as public utility and drainage easement.

Easement width to be determined for sewer line. If not listed on the deed, check with Water Services Property Services division.

### **FIRE MARSHAL RECOMMENDATION**

1. Concept plan for Nocturne Village at 869 West Trinity Lane show's a dead end over 150 ft in length with a temporary turnaround. Temporary turn around shall be at least 100 ft in diameter and not last more than one year.
2. All road ways that a lot is fronted on shall be at least 20 ft wide. Lots 23, 24, 25 appear to front an alley which is 15 ft wide.
3. Fire hydrants shall flow at least 500 GPM's at 30-35 psi residual.

#### **CONDITIONS**

1. With the submittal of any final plat for lots 33 and 34, a private access easement shall be shown on the plat providing access from Walker Lane to the rear of lots 33 and 34. There shall be no direct access to these lots from Nocturne Way (the new internal street).
2. The proposed alley shall be constructed to Metro Standards.
3. Prior to final plat recordation, a traffic impact study or access study may be required by Planning or Metro Public Works, detailing the new intersection of Walker Lane and West Trinity Lane. Any recommendations from the Traffic Impact Study and/or Public Works regarding off-site traffic improvements must be bonded or completed prior to final plat recordation.
4. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Services district.
5. 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 Urban Service District.
6. Fire hydrants shall flow at least 500 GPM's at 30-35 psi residual.
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. 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 temporary turnaround may be up to 100 feet diameter.
8. 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.

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

Mr. Clifton requested additional clarification regarding Councilmember Isabel's concerns.

Mr. Leeman explained that Councilmember Isabel was suggesting that the northern stub street included in the plan be designated a cul-de-sac with no connection to Walker Lane.

Mr. Ponder commented that the proposed plan would provide additional connectivity for the area and spoke in favor of staff's recommendation.

Ms. Jones commented on the lowered number of units being requested and stated she was in favor of the proposal.

Mr. Loring stated he would be in favor of deferring or defeating the proposal as requested by the Councilmember. He stated that if deferred, it would allow additional time to allow the Councilmember to work with the developer.

Mr. Loring moved and Mr. McLean seconded the motion to defer Concept Plan 2006S-231U-03.

Mr. Bernhardt stated that unless the applicant is requesting deferral, the proposal would be deemed approved due to the fact it was already deferred once and there is a 30 day application period.

Mr. Loring then moved to disapprove the request.

The motion to disapprove was defeated.

Mr. Clifton requested additional information regarding the stub street located near Walker Lane.

Ms. Nielson requested clarification regarding Day Street that was included in the plan.

Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions Concept Plan 2006S-231U-03.  
**(7-2) No Votes – Loring, McLean**

**Resolution No. RS2006-283**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-231U-03 is **APPROVED WITH CONDITIONS. (7-2)**

**Conditions of Approval:**

1. With the submittal of any final plat for lots 33 and 34, a private access easement shall be shown on the plat providing access from Walker Lane to the rear of lots 33 and 34. There shall be no direct access to these lots from Nocturne Way (the new internal street).
2. The proposed alley shall be constructed to Metro Standards.
3. Prior to final plat recordation, a traffic impact study or access study may be required by Planning or Metro Public Works, detailing the new intersection of Walker Lane and West Trinity Lane. Any recommendations from the Traffic Impact Study and/or Public Works regarding off-site traffic improvements must be bonded or completed prior to final plat recordation.
4. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Services district.
5. 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 Urban Service District.
6. Fire hydrants shall flow at least 500 GPM's at 30-35 psi residual.
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. 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 temporary turnaround may be up to 100 feet diameter.
8. 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.”

**FINAL PLATS**

4. **2006S-262U-10**  
Holshouser Property



Map 116-16, Parcel 065  
Subarea 10 (2005)  
Council District 34 - Lynn Williams

A request for final plat approval to create 2 lots on property located at 3907 Estes Road, approximately 390 feet south of Abbott Martin Road (1.69 acres), zoned RS20, requested by John and Sandra Holshouser, owners, Weatherford & Associates, surveyor.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Final Plat 2006S-262U-10 to September 14, 2006 at the request of the applicant. (9-0)**

---

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

5. **2006Z-030U-13**  
Map 162-00, Parcel 025  
Subarea 13 (2003)  
Council District 28 - Jason Alexander

A request to change from AR2a to CS district property located at Una Antioch Pike (unnumbered), northeast corner of Una Antioch Pike and Goodwin Drive (.23 acres), requested by James A. Rust and Mitchell Whitson et ux, owners.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-030U-13 to September 28, 2006 at the request of the applicant. (9-0)**

---

6. **2006SP-135U-08**  
Clifton Avenue Townhomes  
Map 091-12, Parcels 197, 198  
Subarea 8 (2002)  
Council District 21 - Edward Whitmore

A request to change from RS5 to SP zoning property located at 711 and 713 40th Avenue North, at the southwest corner of Clifton Avenue and 40th Avenue North (.54 acres), to permit the development of 10 townhomes, requested by Marcus Buckner, applicant, for Southeast Real Estate Development, owner.

**STAFF RECOMMENDATION: Defer until the applicant has returned revised plans addressing comments from Planning, Public Works, and Stormwater**

### **APPLICANT REQUEST - Preliminary SP**

A request to change from residential single-family (RS5) to Specific Plan (SP) zoning property located at 711 and 713 40th Avenue North, at the southwest corner of Clifton Avenue and 40th Avenue North (0.54 acres), to permit the development of 10 townhomes.

### **Existing Zoning**

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

### **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.

## **NORTH NASHVILLE COMMUNITY PLAN POLICY**

### ***Structure Plan Land Use Policy***

Neighborhood Center -NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

### ***Clifton Southwest Detailed Neighborhood Design Plan Land Use Policy***

Mixed Use - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

**Consistent with Policy?** -Yes. This development plan is generally consistent with the density and type of units specified in the Neighborhood Design Plan. The proposed development plan must be refined, however, before staff can recommend approval. There are remaining issues pertaining to the project frontage on 40<sup>th</sup> Avenue North, and location of detention and water quality. Additionally, Public Works has not had a chance to review the revised plan that the applicant submitted on the day the staff report was being finalized.

**PLAN DETAILS** -This project is located across the street from M.D.H.A.'s Preston Taylor Homes development. This proposal utilizes Preston Taylor's architectural theme and materials. The main exterior building material will be fiber cement siding (commercially know as Hardi-Plank). The proposed condominiums are a mix of two, three and four bedroom units.

Any standards not specifically outlined by the associated plan, shall conform to the requirements of the RM20 zoning district.

Staff requested that this development provide more of a "face" on 40<sup>th</sup> Avenue North. The applicant has noted that the end unit's front door faces 40<sup>th</sup> Avenue North. Staff recommends that this elevation be further developed to provide a clear, strong, articulated front along 40<sup>th</sup> Avenue North, and that a sidewalk from 40<sup>th</sup> Avenue to the front door of this unit be provided, and that landscaping be employed to refine this street frontage.

**PUBLIC WORKS RECOMMENDATION** -*(Comments based on earlier version of plan. The applicant did not return a revised plan in time for Public Works to review it and offer comments to be included in this report).*

1. Provide standard site boundary and topo data. What is the topography as it relates to existing streets? What are the street widths, edge of pavements, proposed sidewalks in relation to the right-of-way?
2. All Public Works' design standards shall be met prior to permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
3. Identify plans for solid waste collection and disposal.
4. Plan identifies alleys as unimproved. Improve alley #1189 along property frontage to Metro standards (ST-263).

5. Show and label 25 feet right of way radius at the Clifton Avenue/40th Avenue North intersection corner returns.
6. Provide parking table with the required and proposed parking spaces
7. Prior to the preparation to construction plans, document adequate sight distance at the project access onto 40th Avenue N. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.

**STORMWATER** - This new layout and design addresses all Stormwater's concerns except for water quality. A water quality concept (unrelated to detention) will be needed to be shown on the plans prior to Stormwater's acceptance.

**CONDITIONS (if approved)**

1. All Stormwater comments shall be addressed prior to the Planning Commission meeting.
2. This development shall comply with the landscaping requirements of the Metro Zoning Ordinance for the RM20 district. A landscape plan shall be submitted with the final SP plan.
3. A landscape buffer or opaque fence shall be provided along the perimeter of the parking area, unless parcels 199 and 301 are consolidated into this development.
4. The 40<sup>th</sup> Avenue elevation shall be further developed prior to the final SP application to provide a clear, strong articulated front along 40th Avenue, a sidewalk from 40<sup>th</sup> Avenue to the front door of this unit shall be provided, and landscaping shall be added to refine this street frontage.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
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.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
9. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval

Ms. Withers presented and stated that staff is recommending disapproval of the plan as submitted. However, staff would recommend approval with conditions if the applicant agreed to move the units to 40<sup>th</sup> Avenue (as suggested by staff) in order to provide the strong street edge along 40<sup>th</sup> Avenue North.

Ms. Cisley Stone, 3316 Clifton Avenue, spoke in favor of the proposal.

A resident of 4500 Tennessee Avenue spoke in favor of the proposal.

Mr. Virgil Gordon, developer, spoke in favor of the proposal as submitted.

Mr. Eldridge Simmons, 906 43<sup>rd</sup> Avenue North, spoke in opposition to the proposal.

Mr. Lawson suggested that staff meet with the developer to continue discussions on the proposal. Mr. Lawson then requested further clarification on staff's recommendation.

Ms. Fuller explained staff's recommendation to the Commission.

Mr. Ponder questioned whether Public Works and Stormwater had completed their review of the proposal.

Ms. Fuller stated that she had received the comments from Public Works and the outstanding issues with Stormwater can be addressed as the development progresses.

Mr. Loring also suggested that additional time be given to allow continued discussions between staff and the developer.

Ms. Cummings requested additional information on the DNDP for this area. She mentioned the history of the parcel and prior requests for development.

Ms. Fuller explained the neighborhood policies for this area.

Mr. Tyler acknowledged staff's recommendation. He then spoke of the desire mentioned by a constituent to locate mixed use in this area.

Mr. Lawson spoke of the need of residential in order to support commercial development.

Mr. Clifton acknowledged approving the residential request and commented that future requests may require a stronger emphasis on mixed use.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions 2006SP-135U-08 with the added condition to move the units to 40<sup>th</sup> Avenue to provide a strong street frontage on 40<sup>th</sup> Avenue and access parking through the alley. **(9-0)**

#### **Resolution No. RS2006-284**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-135U-08 is **APPROVED WITH CONDITIONS, including move the units to 40<sup>th</sup> Avenue to provide a strong street frontage on 40<sup>th</sup> Avenue, and access parking through the alley. (9-0)**

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

1. All Stormwater comments shall be addressed prior to the Planning Commission meeting.
2. This development shall comply with the landscaping requirements of the Metro Zoning Ordinance for the RM20 district. A landscape plan shall be submitted with the final SP plan.
3. A landscape buffer or opaque fence shall be provided along the perimeter of the parking area, unless parcels 199 and 301 are consolidated into this development.
4. The 40<sup>th</sup> Avenue elevation shall be further developed prior to the final SP application to provide a clear, strong articulated front along 40th Avenue, a sidewalk from 40<sup>th</sup> Avenue to the front door of this unit shall be provided, and landscaping shall be added to refine this street frontage.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
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.

8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
9. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval.

**The proposed SP district is consistent with the North Nashville Community Plan's Neighborhood Center structure plan policy, and its Mixed Use detailed policy, which are intended for a mixture of residential, office, and retail uses."**

7. **2006Z-138U-10**  
Map 104-08, Parcels 233, 234, 235  
Subarea 10 (2005)  
Council District 19 - Ludy N. Wallace

A request to change from OR20 to ORI property located at 1226, 1302 and 1304 16th Avenue South, located at the corner of Horton Avenue and 16th Avenue South (0.74 acres), requested by Kelly Lewis, applicant for the International English Institute Foundation, owner.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - A request to change approximately 0.74 acres from office and residential (OR20) to office and residential intensive (ORI) on property located at 1226, 1302, and 1304 16<sup>th</sup> Avenue South at the corner of Horton Avenue.

**Existing Zoning**

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

**Proposed Zoning**

ORI district -Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities

**GREEN HILLS – MIDTOWN COMMUNITY PLAN**

***Structure Plan Land Use Policy***

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

***Edge Hill Detailed Neighborhood Design Plan***

Office - The request is also located within the Edge Hill Detailed Neighborhood Design Plan. The detailed plan calls for office in this area.

**Consistent with Policy?** - While some uses permitted in the ORI district are consistent with OC policy, ORI also allows many uses that are not consistent with the policy. In addition ORI is too intense for this specific location. The property is adjacent to residential zoned property (RS5) and a residential policy. The allowed uses and bulk standards for the ORI (3.0 FAR) district would allow for a development that could have a negative impact on the surrounding area. Uses that would be inappropriate would be stand alone fast food restaurants, or intense commercial/residential uses, which could be constructed to a maximum of 65 feet in height in the ORI district. A PUD or SP should be required to ensure that any development that is more intense than what is allowed under the current OR20 district not negatively impact the area.

**Staff Recommendation** - Since the requested ORI district could have a significant negative impact on the surrounding area by allowing inappropriate uses and intensities, staff recommends that the request be disapproved.

**PUBLIC WORKS RECOMMENDATION** -Access study will be required at development.

**Typical Uses in Existing Zoning District: OR20**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.74	0.419	13,506	286	38	94

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.74	0.497	16,020	326	44	97

**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
--			+2,514	40	6	3

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.74	0.8	25,787	470	64	108

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.74	3	96,703	1,301	183	188

\*Adjusted as per use.

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+70,916	831	119	80

**METRO SCHOOL BOARD REPORT**

**Projected student generation\*    1Elementary    1Middle    1High**

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. All three schools have been identified as having capacity. This information is based upon data from the school board last updated January 2006.

\*Assumes a 1,400 square foot unit in ORI with a maximum FAR of 3.0

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

Mr. James Chick, 206 4<sup>th</sup> Avenue North, spoke in favor of the proposal.

Ms. Janet Parham, 1226 Villa Place, spoke in opposition to the proposal.

Mr. Darrell Moore spoke in opposition to the proposal.

Mr. Kelly Lewis, 2047 24<sup>th</sup> Avenue South, spoke in favor of the proposal. He submitted information to the Commission for the record.

Mr. Loring spoke in favor of the project.

Mr. Ponder questioned the land use of an adjoining property. He then questioned whether mixed use was an option for this proposal.

Mr. Swaggart explained that staff met with the applicant and requested a plan be submitted with the requested zone change.

Mr. Lawson stated that the Commission should consider the requested zone change and whether it is appropriate with the policy for the area.

Mr. Bernhardt clarified the staff's recommendation to the Commission. He commented on the unlimited uses as well as the intensity of buildings that ORI would allow that may not be appropriate for the area.

Mr. Clifton commented on the growth of the area and stated he was in favor of staff's recommendation.

Mr. Ponder moved, and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2006Z-138U-10. **(9-0)**

**Resolution No. RS2006-285**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-138U-10 is **DISAPPROVED. (9-0)**

**The proposed ORI district would allow for an intensity of uses and scale that are not appropriate at this location, and could have a detrimental impact on the lower section of 16<sup>th</sup> Avenue, and the adjacent RS5 residential district.”**

---

The commission recessed at 5:15 p.m.

The commission resumed at 5:30 p.m.

---

- 8. 2006Z-139U-10**  
Map 130-08, Various Parcels  
Map 131-01, Various Parcels  
Map 131-05, Various Parcels  
Subarea 10 (2005)  
Council District 34 - Lynn Williams

A request to change from R20 to RS20 zoning various properties located south of Hobbs Road on Lindawood Drive, Colewood Drive, Castleman Drive, Trimble Court, Trimble Road, Wallace Lane and LaVista Drive (101.39 acres), requested by Councilmember Lynn Williams for various property owners.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - A request to change from R20 to RS20 zoning various properties located south of Hobbs Road on Lindawood Drive, Colewood Drive, Castleman Drive, Trimble Court, Trimble Road, Wallace Lane and LaVista Drive (101.39 acres), requested by Councilmember Lynn Williams for various property owners.

**Existing Zoning**

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

**Proposed 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.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

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

**Consistent with Policy?** - Yes. The residential density as permitted within the proposed RS20 zoning district (1.85 homes/acre) is consistent with the range called for by the Residential Low policy (1-2 homes/acre). There are 113 properties in this request.

**RECENT REZONINGS** - None.

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation** - As this request to change to single family district represents a down zoning, the number of expected students would be equal to or less than what the current zoning allows.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2006-286**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-139U-10 is **APPROVED. (9-0)**

**The proposed RS20 district is consistent with the Green Hills/ Midtown Community Plan’s Residential Low, which is intended for low intensity residential developments with densities between of 1 and 2 units per acre.”**

- 9. 2006Z-140U-10**  
Map 117-02, Various Parcels  
Map 117-06, Various Parcels  
Subarea 10 (2005)  
Council District 25 - Jim Shulman

A request to change from R10 to RS10 zoning various properties located south of Sharondale Drive on 22nd Avenue South (10.41 acres), requested by Councilmember Jim Shulman for various property owners.

**STAFF RECOMMENDATION: Approve**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-140U-10 to September 28, 2006, at the request of the applicant. (9-0)**

- 10. 2006Z-143U-10**  
Map 117-09, Various Parcels  
Map 117-13, Various Parcels  
Subarea 10 (2005)  
Council District 25 - Jim Shulman

A request to change from R20 to RS20 zoning various properties located east of Hilldale Drive on Sugartree Road, Sugartree Place, and Kenway Road (31.25 acres), requested by Councilmember Jim Shulman for various property owners.

**STAFF RECOMMENDATION: Approve**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-143U-10 to September 28, 2006, at the request of the applicant. (9-0)**

- 11. 2006Z-144U-10**  
August 24, 2006 MPC Meeting Minutes



Map 131-12, Various Parcels  
Map 132-09, Parcel 023  
Subarea 10 (2005)  
Council District 25 - Jim Shulman

A request to change from R40 to RS40 zoning various properties located north of Battery Lane, approximately 230 west of Lealand Drive (5.71 acres), requested by Councilmember Jim Shulman for various property owners.

**STAFF RECOMMENDATION: Approve**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-144U-10 to September 28, 2006, at the request of the applicant. (9-0)**

## 12. 2006Z-146T

An ordinance to amend the definition of "family" to include a group of not more than eight unrelated persons being treated for drug and/or alcohol abuse or dependency. Introduced by Councilmember Rip Ryman.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - A request to amend the Zoning Code to modify the definition of "family" to include a group of not more than eight unrelated persons being treated for drug and/or alcohol abuse or dependency.

### ANALYSIS

Existing Law - Section 17.04.060 of Metro Zoning Code ("Definitions of general terms") defines the term "family," which defines *who* can live together in a "single housekeeping unit." The definition includes:

"2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102."

Proposed Text Change - The proposed ordinance would modify the existing definition of "family" to read as follows:

"2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102. For the purposes of this subsection, 'mentally handicapped' and 'physically handicapped' includes persons being professionally treated for drug and/or alcohol dependency or abuse."

The language proposed to be added is underlined. This will update the definition to reflect current legal requirements (based on court cases), which define mentally and physically handicapped to include persons being treated for alcohol and drug dependency in what are commonly referred to as "group homes."

Analysis - In the latter half of the 20<sup>th</sup> century, the U.S. began to deinstitutionalize persons with physical and mental handicaps. As a result, an industry surrounding "group homes" – home settings serving multiple persons with handicaps in residential neighborhoods – developed across the country. Group homes are often located in neighborhoods due to the lower operation costs and the therapeutic benefits of placing persons in a "family" and neighborhood setting. The definition of family above was developed to allow group homes.

The Fair Housing Act of 1968, which was last amended with the Fair Housing Amendments Act (FHAA) of 1988, prohibits housing discrimination against persons with handicaps. It defines a handicap as a "physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or is regarded as having such an impairment." Subsequent court cases established that alcoholism and drug addiction are among the impairments covered under the definition of handicapped.

The FHAA distinguishes three types of housing discrimination. A memo from Metro Legal to the Zoning Administrator on the issue, dated August 12, 1998, succinctly describes the three types of discrimination claims:

"A handicapped person can establish a violation of the FHAA in any one of three ways:

- (1) By demonstrating intentional or purposeful discrimination;
- (2) By making a showing of discriminatory impact or effect; or
- (3) By proving that the defendant refused ‘to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.’”

The memo clarified that the current definition of family, which excludes persons seeking treatment for alcohol and drug dependency from being considered a “family” and allowed to live in a single dwelling unit, would have a discriminatory effect, because it does not allow for “reasonable accommodation” for this housing in residential neighborhoods. The memo recommended that the definition of “family” be amended to include, as handicapped, persons seeking treatment for alcoholism and drug dependency. The ordinance before Commission would amend the definition to achieve reasonable accommodation to allow this housing in residential neighborhoods.

The Zoning Administrator has determined that pre-existing group homes serving eight or more alcohol and drug dependent persons will be considered to be pre-existing, non-conforming uses. Meanwhile, new group homes will be required to register for a use permit at Metro Codes and indicate that they will serve eight or fewer persons. These homes would then be subject to Fire Code and Building Code provisions for the facility.

**Staff Recommendation** - Approve.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2006-287**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-146T is **APPROVED. (9-0)**”

**13. 2006Z-148T**

An Ordinance amending Section 17.40.120 of Title 17 of the Metropolitan Code, Zoning Regulations, to require all modifications of planned unit developments enacted prior to 1998 that would result in a change in land use or development type beyond that permitted by the specific underlying zoning district be approved by the Metropolitan Council. Introduced by Councilmember Vivian Wilhoite.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - A request to amend the Zoning Code to require that for any Planned Unit Development (PUD) approved prior to 1998, any change in land use or development type, or modification in the number of units beyond what is permitted by the specific underlying zoning district must be heard by Council as an amendment to the PUD.

**ANALYSIS**

Existing Law -Modifications to PUDs that were approved by Council prior to 1998 are governed by Section 17.40.120.G of Zoning Code. Minor modifications (called “revisions”) may be made by the Metro Planning Commission. Major modifications are considered amendments to the previously-approved PUD and must be approved by Council.

Section 17.40.120.G lists all of the modifications which are considered amendments. As currently written, the modifications that rise to the level of an amendment always use, as the point of comparison, the PUD as originally approved by Council and not the underlying base zoning.

For example, a change in the number of units in a residential PUD is a revision so long as “There is no increase in the total number of residential dwelling units *originally authorized by the enacting ordinance;*” (emphasis added). Likewise, a change in a residential PUD’s development type is a revision so long as “There is no change from a PUD *approved exclusively for single-family units to another residential structure type;*” (emphasis added).

In both of these examples, the baseline for comparison is the adopted PUD. The ordinance before the Commission shifts the point of comparison to the underlying base zoning.

Proposed Text Change -The proposed ordinance would require that for pre-1998 PUDs, any change in land use or development type, or a modification in the number of units that is beyond what is permitted in the underlying zoning district be considered an amendment and referred to Council.

### **Analysis**

*Development Entitlements and Review of Older PUDs*- In 1998, Metro Nashville revised and adopted a new Zoning Code. Because PUDs had existed *before* the new Code was adopted, and because PUDs - as an overlay of zoning - carry some development entitlements, the revised Code included specific provisions establishing what changes to pre-1998 PUDs could be made as revisions and which could be made only through a Council-approved amendment. This language attempted to strike a balance between the development opportunities granted with the adoption of the original PUD and the fact that older PUDs can become inappropriate with regard to the market in the area and the built environment that has developed around them since they were approved.

The general intent of the 1998 revision to Zoning Code suggests that pre-1998 PUDs, as adopted by Council, were considered to be “grandfathered” into the newly-adopted Code. Section 17.40.120G. states:

*“G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.*

*1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.”*

At the time of the 1998 revision to Zoning Code, stakeholders debated including language that would “sunset” older PUDs – causing them to be voided or reviewed periodically at Council to assess their appropriateness given the changing market and built environment from when they were originally approved. A sunset provision was rejected.

The proposed ordinance would require modifications to the land use, development type and number of residential units to be compared to the base zoning. Many of the pre-1998 PUDs were adopted, in part, however, specifically to vary from the base zoning with regard to land use and development type. It was less common for pre-1998 PUDs to vary from the base zoning in terms of number of residential units permitted.

By considering requests to modify land use, development type or number of residential units in comparison to the base zoning, the proposed ordinance would undermine some of the basic development entitlements granted to pre-1998 PUDs when they were originally approved by Council.

Recent ordinances proposed at Council have recommended a “sunset review” for PUDs six or more years old, requiring that they be reviewed to determine how they fit in the current environment. This would be a more effective way to address PUDs believed to be outdated or inappropriate.

*Unintended Effect – Discouraging Downward Modifications of PUDs* - One effect of the ordinance is that it will likely discourage PUD owners from modifying their original PUD proposals downward (in terms of intensity of land use or number of dwelling units). It is common for PUD owners to modify downward the number of residential units in a PUD. Currently, they can do this through a revision at Metro Planning Commission. If this modification were to require a referral to Council where additional development rights could be removed, the PUD owner is unlikely to propose downward modifications, which runs contrary to the goals of many Council members.

### **Staff Recommendation** -Disapprove.

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

Councilmember Wilhoite spoke in favor of the proposed text amendment. She stated the amendment would establish consistency and provide clarity for various neighborhoods and requested its approval.

Ms. Cummings requested clarification on staff’s recommendation.

Mr. Clifton spoke of the issue of removing property owners' rights with the legislation. He acknowledged the need to address older planned unit developments.

Mr. McLean offered that the item be either deferred or disapproved so that staff could provide a matrix of information on all the existing planned unit developments in order to assist in a recommendation on this issue.

Mr. Lawson also acknowledged the additional study needed in order to make a positive recommendation on this request.

Ms. Nielson also spoke of the necessary review of the legislation.

Mr. Ponder spoke in favor of staff's recommendation.

Ms. Jones spoke of the planning staff's ability to monitor the various requests for planned unit developments and keeping the modification process at their level.

Mr. Loring stated he agreed with the staff's recommendation.

Mr. McLean moved and Ms. Nielson seconded the motion to disapprove Text Amendment 2006Z-148T. (9-0)

**Resolution No. RS2006-288**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-148T is **DISAPPROVED. (9-0)**"

**14. 2006Z-149T**

An ordinance amending Section 17.40.740 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow Members of Council to waive the zoning application fee for rezoning property from a mixed-use district to a residential district. Introduced by Councilmember Eric Crafton.

**STAFF RECOMMENDATION: Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.**

**APPLICANT REQUEST-**A Council bill to amend Zoning Code Section 17.40.740.C.2 to waive zoning application fees for applications initiated by a member or members of Council to rezone property from a mixed-use district to a residential or residential single-family district.

**ANALYSIS**

**Existing Law** - In February 2005, Metro Council amended Zoning Code to clarify that when a Council member or members initiates many "downzoning" applications or applies for certain zoning overlays, the fees for such an application shall be waived.

**The Zoning Code was amended to list the following types of zoning applications for which the application fees would be waived:**

**Section 17.40.740 reads:**

**"Fees shall be waived for the following:...**

- C. Any rezoning request initiated by a member or members of council for the purpose of:
  - 1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
  - 2. Rezoning the property from an office, commercial or industrial district (excluding mixed-use districts) to a residential or residential single-family district; or
  - 3. Applying the urban design overlay district, historic preservation district, neighborhood conservation district or urban zoning overlay district, as provided in Chapter 17.36."

When the Zoning Code was amended, provision C.2. included an exclusion from the fee waiver for rezonings from mixed-use districts to residential districts.

**Proposed Text Change** - The bill before Metro Planning Commission would remove this exclusion and allow Council to waive fees on Council-initiated rezoning from mixed-use districts to residential or residential single-family districts. The proposed change could possibly be considered a “housekeeping” amendment because it is unclear why “mixed use” zoning districts were originally excluded from the types of zoning districts where a fee waiver will be granted.

**Staff Recommendation** - Staff recommends that the Commission neither vote to approve nor disapprove the proposed ordinance. Application fees are established by Metro Council. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees or the fees are waived is an issue that should be determined by the Metro Council. The Commission did not make a recommendation on the February 2005 change to the fee provisions.

No official position taken (9-0), *Consent Agenda*

**Resolution No. RS2006-289**

“BE IT RESOLVED by The Metropolitan Planning Commission that it **MAKES NO OFFICIAL RECOMMENDATION ON 2006Z-149T. (9-0)**”

**X. CONCEPT PLANS**

- 15. 2006S-116G-06**  
Westbrook Pointe  
Map 126-00, Parcel 028  
Subarea 6 (2003)  
Council District 35 - Charlie Tygard

A request for concept plan approval to create 78 lots at 8840 Highway 70, approximately 1,120 feet east of McCrory Lane (32.25 acres), zoned RS15, requested by AGH Venture, owner, Leslie S. Newman, applicant, Civil Site Design, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Concept Plan**

A request for Concept plan approval for 78 lots on approximately 32.25 acres to be located at 8840 Highway 70, east of McCrory Lane.

**Zoning**

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

**SUBDIVISION DETAILS**

History - This plan originally received preliminary plat approval on August 24, 2003, and expired August 24, 2005. Since the original approval has expired, staff is reviewing the plan under current rules and regulations. A condition placed on the zone change of this property by the Metropolitan Council was that all the area within the 100 – Year Flood Plain be placed in a conservation easement.

Plan Details -The plan calls for 78 cluster lots on approximately 32.25 acres with an overall density of approximately 2.4 units per acre. Lots range in size from 7,440 sq. ft. to 15,589 sq. ft.

Cluster Lot Option - This plan is utilizing the cluster lot option to permit smaller lot sizes to maximize density. The exchange for optimizing density is to preserve sensitive areas on the site. Approximately 12.5 acres (39%) of the site is in open space, which mostly contains flood plain, and is to also be within a conservation easement.

With the cluster lot option lots can be reduced in size from the base district requirement a maximum of two districts. The zoning for this site is RS15 so lots can be reduced to meet the RS7.5 district requirements (7,500 sq. ft.). The plan includes some lots that are smaller than the required minimum that must be removed from the plan. All lots

must be at least 7,500 sq. ft.

Environmental - The proposed Stormwater detention area is located within the conservation easement. Area within conservation easements is to remain in a natural state, precluding additional development in the easement. The detention area must be removed from the limits of the conservation easement because it would not be keeping the land in a natural state.

There are slopes greater than 20 percent on the property. All lots that have slopes of 20 percent or greater must be identified as critical lots on the plan.

Access/Connectivity - All lots will be accessed from new streets. Access to the development will be from one location off Highway 70. Two stub streets are being provided to the north for connectivity if and when the adjacent property develops. Because of environmental restraints (flood plain, and steep hills), no stub street is being required to the east.

Staff Concerns -Staff's major concern with this request is the proposed detention area within the conservation easement. The detention area shown on the plan must be removed from within the conservation easement and relocated elsewhere on site. Relocation of the detention area may require a reduction in the total number of lots or a possible redesign. Additionally, several undersized lots are shown on the plan. All lots must be at least 7,500 sq. ft. This may also require a reduction in the total number of lots.

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

#### **CONDITIONS**

1. A revised plan must be submitted that shows all lots with at least 7,500 square feet. Lots that do not meet the required minimum size must be removed from the plan or increased in size.
2. All lots that have slopes of 20 percent or greater must be identified as critical lots.
3. The detention shall be removed from within in the conservation easement and relocated elsewhere on site. The area within the conservation easement shall be left in its existing state.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote..

Approved with conditions, including Public Works conditions, and the following condition will replace staff condition #3 in the current staff report: Grading permits shall not be issued on this property until this plat has final approval. Prior to final plat approval, grading plans must be submitted to planning staff for review. Grading plans must demonstrate that detention will not negatively impact trees on the site. If plans do not demonstrate adequate tree protection, then the plan shall be revised removing detention from within the 100 year floodplain (9-0), *Consent Agenda*

#### **Resolution No. RS2006-290**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-116G-06 is APPROVED WITH CONDITIONS, including Public Works conditions, and the following condition will replace staff condition #3 in the current staff report: Grading permits shall not be issued on this property until this plat has final approval. Prior to final plat approval grading plans must be submitted to planning staff for review. Grading plans must demonstrate that detention will not negatively impact trees on the site. If plans do not demonstrate adequate tree protection, then the plan shall be revised removing detention from within the 100 year floodplain. (9-0)**

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

1. A revised plan must be submitted that shows all lots with at least 7,500 square feet. Lots that do not meet the required minimum size must be removed from the plan or increased in size.

2. All lots that have slopes of 20 percent or greater must be identified as critical lots.
- ~~3. The detention shall be removed from within in the conservation easement and relocated elsewhere on site. The area within the conservation easement shall be left in its existing state.~~
3. Grading permits shall not be issued on this property until this plat has final approval. Prior to final approval, grading plans must be submitted to planning staff for review. Grading plans must demonstrate that detention will not negatively impact trees on the site. If plans do not demonstrate adequate tree protection, then the plan shall be revised removing detention from within the 100 year floodplain.
4. 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.”

**16. 2006S-270U-13**  
 Legends Drive Subdivision  
 Map 150-00, Parcels 078, 079, 080, 168  
 Subarea 6 (2003)  
 Council District 33 - David Briley

A request for concept plan approval to create 43 lots (39 single-family and 4 duplex lots) on property located at 6235 and 6247 Mt. View Road and Mt. View Road (unnumbered), approximately 800 feet east of Belle Oaks Drive (11.68 acres), zoned R10 and RS10, requested by M. Travis Dukes and Carlos W. Ritchie, owners, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Concept Plan**

A request for Concept Plan approval to subdivide 11.68 acres into 43 lots (39 single-family and 4 duplex lots), located along the north side of Mt. View Road, opposite Mt View Ridge Drive.

**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. Four duplex lots are shown on the plan.

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

**SUBDIVISION DETAILS** - The proposed cluster-lot plan includes 39 single-family lots and 4 duplex lots on 11.68 acres ranging in size from 5,900 square feet to 13,000 square feet. The plan proposes 18% open space with approximately 3% usable open space.

Sinkhole - Due to a very large sinkhole, the road into the site (Legends Drive) was located north of Mt. View Ridge Drive. Normally, staff would have requested that the roads be aligned, but this could not be achieved due to the sinkhole.

Legends Drive - Legends Drive will also connect to Mt. View Road where there are currently sight distance problems. Staff recommends a condition as part of this approval, however, to require the engineer submitting plans at the development plan stage to mitigate the sight distance issues. Clearing trees will also help to elevate these concerns.

**PUBLIC WORKS RECOMMENDATION** - 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.

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 Urban Service District.

Prior to construction plan preparation, submit documentation of adequate sight distance, per AASHTO standards, at project access locations.

Construct one-half of a residential collector (3 lane cross section) on Mt. View Road along Property frontage.

**STORMWATER RECOMMENDATION-** Approve as noted:

1. The headwall to the right of lot 37 is partially depicted in the buffer. Remove the headwall from the buffer area.

**WATER SERVICES RECOMMENDATION -** Approved with conditions

1. Individual water and sanitary sewer service lines are required for each parcel. Proposed public sewer should be extended to serve all proposed lots. In addition, a PRV is required on each water service line due to pressure in excess of 100 psi. Public sewer easements should be labeled and width dimensioned.
2. Extend sewer to serve lot 43.
3. Provide 20 foot wide public sewer easement along the frontage of Mt. View Road on lots 37-43.

**FIRE MARSHAL RECOMMENDATION -** Approved

**CONDITIONS**

1. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.
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 temporary turnaround may be up to 100 feet diameter.
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.
4. Prior to development plan preparation, submit documentation to the Planning Department and Public Works Department showing adequate sight distance, per AASHTO standards, at project access locations.
5. Construct one-half of a residential collector (3 lane cross section) on Mt. View Road along Property frontage.
6. Prior to final plat approval, the plan shall be revised to show joint access driveways for Lots 37 through 42 on Mt. View Road because it is a collector road. There shall be one driveway for every two lots.
7. Prior to final plat approval, the duplex lots in the R10 area shall be dispersed so that duplex lots are not adjacent to each other.

Mr. Leeman presented and stated that staff is recommending approval with conditions with the added condition that no grading will take place on the site until a geotechnical study has been completed.

Mr. Lawson confirmed that if the study found additional sink holes that would substantially alter the layout of the subdivision, the plan would have to be resubmitted to the Commission for consideration.

Mr. Eugene McCallister, 6020 Legend Drive, spoke in opposition of the proposal.



Mr. Doug Irwin, 6008 Legend Drive, spoke in opposition to the proposal.

Mr. Charles Powers, 208 Legend Court, expressed issues regarding the proposal.

Ms. Lori Tolson, 6009 Legend Drive, expressed issues regarding the proposal.

Ms. Theresa McCain, 5932 Belle Oaks Trace, expressed issues regarding the proposal.

Mr. William Hill, 3741 Bell Oaks, expressed issues with the proposal.

Mr. Kevin Estes spoke in favor of the proposal.

Ms. Nielson commented on the necessity of the stub street to ensure connectivity and to eliminate the issue of one way in and out of the subdivision.

Mr. McLean requested additional information regarding the future connectivity of this proposal.

Mr. Leeman explained this concept to the Commission.

Mr. Clifton spoke in favor of staff's recommendation. He spoke on the importance of connectivity within neighborhoods. He did acknowledge the concerns mentioned by the residents.

Mr. Tyler mentioned the connectivity issues mentioned and the possibility of sink holes that would alter the plan.

Ms. Cummings acknowledged the concerns of the residents as well. She spoke in favor of connectivity within neighborhoods. She mentioned there are no reasons to disapprove the proposal.

Mr. Ponder suggested and questioned whether alternative routes in relation to connectivity were considered for the plat.

Mr. Ponder suggested that the Commission add a condition prohibiting duplexes from the plan and that all construction traffic for the development enter the site from Mt. View Road.

Mr. Ponder moved and Mr. McLean seconded the motion to approve with conditions Concept Plan 2006S-270U-13 with the added condition that all construction traffic shall enter the site from Mt. View Road; as well as a condition stating that no duplex lots be included the plan.

Mr. Loring stated he was not in favor of the connectivity proposed for this plan. He offered additional suggestions to alter the plan. He did state he was in favor of eliminating the duplexes from the plan.

Mr. Clifton questioned whether the Commission had the authority to eliminate duplexes from this plan.

Mr. Morrissey stated the land was already zoned for duplexes and that it would not be in the best interest of the Commission to prohibit them from the plan.

Mr. Bernhardt offered a modified motion addressing the issue of the duplexes.

Mr. Ponder moved and Mr. McLean seconded the motion to approve with conditions Concept Plan 2006S-270U-13 with the added condition that all construction traffic shall enter the site from Mt. View Road; as well as a condition stating that the Commission requests there be no duplex lots included the plan, and if in fact, there are to be duplexes proposed for specific lots, then the final plat needs to return to the Commission for consideration. **(8-1) No Vote - Loring**

**Resolution No. RS2006-291**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-270U-13 is APPROVED WITH CONDITIONS, including a condition stating that the Commission requests there be no duplex lots included the plan, and if in fact, there are to be duplexes proposed for specific lots, then the final plat must return to the Commission for consideration . (8-1)**

**Conditions of Approval:**

1. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.
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 temporary turnaround may be up to 100 feet diameter.
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.
4. Prior to development plan preparation, submit documentation to the Planning Department and Public Works Department showing adequate sight distance, per AASHTO standards, at project access locations.
5. Construct one-half of a residential collector (3 lane cross section) on Mt. View Road along Property frontage.
6. Prior to final plat approval, the plan shall be revised to show joint access driveways for Lots 37 through 42 on Mt. View Road because it is a collector road. There shall be one driveway for every two lots.
7. Prior to final plat approval, the duplex lots in the R10 area shall be dispersed so that duplex lots are not adjacent to each other."

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

## **XI. FINAL PLATS**

### **17. 2006S-256U-05**

Resub. Of Part Of Lot 86 On The Map Of Haynie's Central Park Plan  
 Map 094-05, Parcel 015  
 Map 094-05, Parcel 016  
 Subarea 5 (1994)  
 Council District 6 - Mike Jameson

A request for final plat approval to create 5 lots on property located on 107 South 11th Street and Ozark Street (unnumbered), approximately 415 feet west of South 12th Street (0.73 acres), zoned RS5, requested by Janet Mcrae and Michele Davis, owners, Mark Devendorf, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST -Concept Plan/Final Plat**

A request to subdivide 0.73 acres into 5 single-family lots at 107 South 11<sup>th</sup> Street and Ozark Street (unnumbered), approximately 415 feet west of South 12<sup>th</sup> Street.

#### **ZONING**

**RS5 District -RS5** requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.42 dwelling units per acre.

RS5 permits a maximum of six lots on this property, while only five lots are proposed.

**SUBDIVISION DETAILS** -The proposed plan includes five single-family lots on 0.73 acres. The property slopes approximately 18-19% from the front of the lots to the back with the grade rising from the street. Since the slopes are below 20%, the lots will not be designated as critical lots. Four lots front on Ozark Street, while one lot (Lot 5) will have access to South 11<sup>th</sup> Street. Lot 5 is an existing house that will remain on this lot.

Sidewalks - Since this property falls within an area with a Sidewalk Priority Index of greater than 20, sidewalks are required. Sidewalks are proposed along the frontage of Ozark Street.

Lot comparability - Section 3-5.1 of the Subdivision Regulations state 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 analyses was conducted. The lot comparability analysis yielded the following information:

	Minimum Lot Frontage	Minimum Lot Size
Ozark Avenue	43.77 feet	5,724 sq. ft.

All lots meet the lot comparability requirements with lots ranging in size from 5,738 square feet to 8,221 square feet, and lot frontages of 56 linear feet.

Access -Since there is an existing alley to the rear of two of the new lots, staff recommends that rear access be provided on lots 3 and 4 to insure a streetscape consistent with the surrounding area.

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

**STORMWATER RECOMMENDATION** - Approved

**FIRE MARSHAL RECOMMENDATION** - Approved

#### **CONDITIONS**

1. Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots.
2. Prior to final plat recordation, a revised plat must be submitted with a new note that reads: "Lots 3 and 4 shall have rear access only to alley #291."

Mr. Leeman presented and stated staff is recommending approval with conditions with the elimination of condition #1 – prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as critical lots.

Mr. Tommy Mallard, 3783 Andrew Jackson Way, spoke in favor of the proposal as submitted by the applicant.

Mr. Tyler requested additional information on rear alley entrances as well as slopes contained on surrounding lots.

Mr. Tyler then questioned whether the lots would require additional clearing before construction would begin.

Mr. Clifton requested additional information on staff's recommendation.

Mr. Bernhardt explained streetscape and alley issues that are associated with the proposal.

Mr. Clifton spoke of the Commission's authority in relation to subdivision requests.

Mr. McLean spoke of the improvements that could result from the proposal. He did mention a concern regarding the slope issue.

Ms. Nielson spoke in favor of the rear alley access as proposed by staff.

Mr. Ponder questioned other alternatives for the proposed development.

Ms. Jones commented that the proposal meets all the requirements for approval.

Mr. Loring stated he was not in favor of the proposal.

Mr. Tyler requested additional information on the front setbacks.

Mr. Clifton questioned the motion with regard to the reasoning of condition #2 which is requiring rear alley access.

Mr. Bernhardt explained that the subdivision requirements are to insure that the project meets the best design principles and is as environmentally sensitive as possible. He stated that the recommendation pertaining to the alley access creates a better urban design and is less environmentally harmful.

Ms. Nielson moved and Mr. McLean seconded the motion to adopt staff recommendation, which includes approving with conditions Final Plat 2006S-256U-05, as well as the condition to delete condition #1 – Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots. **(5-3) No Votes – Loring, Clifton, Tyler**

**Resolution No. RS2006-292**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-256U-05 is **APPROVED WITH CONDITIONS, including the elimination of condition #1. (6-3)**

**Conditions of Approval:**

1. ~~Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots.~~
2. Prior to final plat recordation, a revised plat must be submitted with a new note that reads: “Lots 3 and 4 shall have rear access only to alley #291.”

**18. 2006S-258G-04**

Lots 5, 6 & 7 Crestview Estates  
Map 043-05, Parcel 074  
Map 043-05, Parcel 075  
Map 043-05, Parcel 076  
Subarea 4 (1998)  
Council District 9 - Jim Forkum

A request for final plat approval to create 6 lots on various properties located at Brooks Avenue (unnumbered), approximately 485 feet north of Roosevelt Avenue (1.08 acres), zoned RS7.5, requested by Matt Manson, owner, Tommy Walker, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST- Concept Plan & Final Plat**

A request to subdivide 1.08 acres into six single-family lots, along the east side of Brooks Avenue, approximately 485 feet north of Roosevelt Avenue.

**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.

RS7.5 permits a maximum of six lots on this property.

**SUBDIVISION DETAILS** - The proposed plan includes six single-family lots on 1.08 acres. The property has a slope of approximately 7% from the front of the lots to the back with the grade rising from the street.

**Lot comparability** - Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability analyses was conducted. The lot comparability analysis yielded the following information:

	Minimum Lot Frontage	Minimum Lot Size
Brooks Avenue	43.47 feet	6,899 sq. ft.

All six lots meet the lot comparability requirements with minimum lot frontages of 50.5 feet and lot sizes of 7,949 square feet.

**PUBLIC WORKS RECOMMENDATION** - No exception taken

**STORMWATER RECOMMENDATION** - Approved

**FIRE MARSHAL RECOMMENDATION** – Approved

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

**Resolution No. RS2006-293**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-258G-04 is **APPROVED. (9-0)**”

- 19. 2006S-273G-02**  
Blair Manor  
Map 033-07, Parcel 005  
Subarea 2 (1995)  
Council District 10 – Rip Ryman

A request for final plat approval to create 1 lot on property located at Agee Road (unnumbered), approximately 330 feet east of Appletree Road (0.49 acres), zoned RS20, requested by Joseph A. Dorang, owner, C & K Surveyors, surveyor.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Final Plat 2006S-273G-02 indefinitely at the request of the applicant. (9-0)**

- 20. 2006S-279U-10**  
Russwood Heights, Lot 17 and 17A  
Map 131-01, Parcel 096  
Subarea 10 (2005)  
Council District 34 - Lynn Williams

A request for final plat approval to create 2 lots on property located at 3421 Trimble Road, approximately 525 feet north of Colewood Drive (1.49 acres), zoned R20, requested by Jon and Jordan Lee Peterson, owners, Ragan Smith Associates, surveyor.

**STAFF RECOMMENDATION: Disapprove**

Mr. Lawson announced that the applicant has requested an indefinite deferral on this item. He stated that the public hearing would be closed and the item would be re-advertised.

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to defer Final Plat 2006S-279U-10 indefinitely. **(9-0)**

**Resolution No. RS2006-294**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-279U-10 is **DEFERRED INDEFINITELY. (9-0)**”

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

- 21. 88P-020G-04**  
Woods of Neeley's Bend, Phase 3 (Formerly Pawnee Trail)  
Map 063-020, Parcel 137  
Subarea 4 (1998)  
Council District 9 - Jim Forkum

A request for final approval for Phase Three of the residential Planned Unit Development district located east of

Comanche Run, and, west of Pawnee Trail, classified RS15 district, (10.85 acres), to permit the development of 36 single-family cluster lots, requested by Bruce Rainey and Associates, for M. R. Stokes, owner.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST-Final PUD**

A request for final approval for a portion of the residential Planned Unit Development district located east of Comanche Run, and, west of Pawnee Trail, classified RS15, (10.85 acres), to permit the development of 36 single-family cluster lots.

#### **PLAN DETAILS**

**Site Plan** - The plan calls for 36 new cluster lots on approximately 7.84 acres with an overall density of approximately 5 units per acre. Lots range in size from 5,295 sq. ft. to 12,683 sq. ft. While the current cluster lot option only allows for lots to be reduced two zoning districts (From RS15 to RS7.5), this PUD was approved under the previous Zoning Code that allowed lots to be reduced smaller than two base districts.

**Access/Connectivity** - Lots will be accessed from new streets. This section of the development will be accessed from Comanche Run. A temporary turnaround is provided to the east.

**Preliminary Plan** - The proposed plan is consistent with the previously approved preliminary plan.

**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.

**STORMWATER RECOMMENDATION**- Construction plans approved on 7/20/06.

#### **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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

#### **Resolution No. RS2006-295**

"BE IT RESOLVED by The Metropolitan Planning Commission that 88P-020G-04 is **APPROVED WITHI CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

**22. 97P-036U-05**

The Parks at Riverwood (Formerly Riverwood Riding Academy)  
Map 073-05, Parcels 022, 140, 149  
Map 073-09, Parcels 003, 004, 064, 065  
Map 072-12, Parcel 315  
Subarea 5 (1994)  
Council District 7- Erik Cole

A request for revision to the preliminary, and final approval for a Residential Planned Unit Development located on the east and west side of Cooper Lane, classified RS10 and RM9 (59.13 acres), to permit the development of 38 townhomes, and 106 single-family lots, requested by Ragan Smith and Associates, applicant for Rusty Hyneman, owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Revision and Final PUD**

A request to revise the preliminary plan and for final approval of a Planned Unit Development located on the east side of Cooper Lane (59.44 acres), zoned RS10 and RM9 to permit the development of 38 townhomes, 106 single-family lots.

**PLAN DETAILS**

**Site Plan** -The plan calls for 144 units/lots on approximately 59 acres with an overall density of approximately 2.4 units per acre. While the overall density is at 2.6 units per acre, this includes the area on the south side of Cooper Lane that will not include any lots, so the approximate density for the area north of Cooper lane is 4.5 units per acre. Three types of products will be offered in the development, and includes 38 town homes, 64 cottage lots, and 42

carriage lots with the carriage lots being the largest in the development (5,250 sq. ft.).

Open Space -Approximately 35 acres of open space is provided with a majority of it being on the south side of Cooper Lane (~24 acres). Eleven acres of open space is also provided throughout the development, and includes small public greens, which will provide outdoor recreational opportunities for area residents.

A condition of the Council Bill that approved this Planned Unit Development is that the approximately 24 acres on the south side of Cooper Lane must be set aside as a park, and that various other conditions be met regarding this area. Numerous stream buffers are located in this area. The applicants have been working with the area Councilmember, Metro Stormwater, and Metro Parks to address these conditions of approval. At this time, the area is to remain in its existing state. The applicants will continue to work with the Councilmember and Metro Agencies in addressing Council conditions.

Access/Connectivity -The development will be accessed from Cooper Lane and from Demarius Drive. Units will be accessed from new streets and alleys with the exception of four lots that front Demarius Drive, and will be accessed from said drive. Town homes and cottage lots will be rear loaded from alleys, and the carriage lots will be front loaded.

Preliminary Plan-The proposed plan is mostly consistent with the approved preliminary plan. Minor changes include the loss of lots along Cooper Lane. These lots were lost in order to accommodate detention areas for stormwater.

**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.

**STORMWATER RECOMMENDATION**- Approved

#### **CONDITIONS**

1. With the first final plat, the approximate 24 acres located on the south side of Cooper Lane that is within this PUD boundary, shall be recorded as designated open space to be maintained by the Parks of Riverwood Home Owner's Association, or dedicated to Metro Parks.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until



four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. RS2006-296**

“BE IT RESOLVED by The Metropolitan Planning Commission that 97P-036U-05 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. With the first final plat, the approximate 24 acres located on the south side of Cooper Lane that is within this PUD boundary, shall be recorded as designated open space to be maintained by the Parks of Riverwood Home Owner’s Association, or dedicated to Metro Parks.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

**23. 2005P-010G-02**

Nashville Commons Final PUD

Map 050-00, Parcels 049, 049.01, 050, 051, 052, 053, 140

Map 050-00, Part of Parcel 045, Part of Parcel 047, Part of Parcel 047.01

Subarea 2 (1995)

Council District 3 – Walter Hunt

A request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development district located along the west side of Dickerson Pike, north of Doverside Drive, (125.71 acres), classified SCR, IWD, and RS7.5, to permit 718,079 square feet of retail and restaurant uses in the overall PUD, and for Final PUD approval for 640,679 square feet of retail and restaurant uses, requested by Gresham Smith and Partners, applicant for Sallie

R. Hicks Family LLC, Bandy, Carolene and Alice Cranford, Pegasus Properties, and Jenkins Properties L.P. and Jack Jenkins, owners.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Revision to Preliminary and Final PUD**

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development district, located along the north side of Doverside Drive at Dickerson Pike (125.71 acres), classified SCR, to permit 718,079 square feet of retail and restaurant uses, replacing 718,781 square feet of retail and restaurant uses.

**PLAN DETAILS**

**Site Design** -The proposed plan revises the preliminary plan for 718,079 square feet of retail and restaurant uses and final approval for the development of 640,679 square feet of retail and restaurant uses within four different commercial strips within the PUD. This plan leaves six separate out-parcels remaining for future development.

**Parking** The parking requirement of one parking space for every 200 feet of retail use, and one space for every 100 feet of restaurant use have been fulfilled.

**Access** -There are two access points on Dickerson Pike. One access point is located at the northeast portion of the PUD, while the other is further south where the proposed relocation of Doverside Drive cuts through the southeastern edge of the PUD. There is also one access drive along Doverside on the southern portion of the PUD.

**Sidewalk requirement** -Sidewalks are shown along the frontages of Doverside Drive and Dickerson Pike as was required by the Planning Commission and Council with the preliminary PUD approval.

**Open Space and Landscaping** -The site plan includes a dedication of 37.18 acres for an open space and conservation easement, to be left permanently undisturbed from development, to the west of the proposed retail/restaurant buildings. As a condition of approval, this easement must be dedicated to an appropriate land trust prior to final plat approval. A class "D" landscape buffer has been provided within this easement, as well as along the northern limits of this PUD.

**PUBLIC WORKS RECOMMENDATION**

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

All plans for construction within the state right of way to be approved by the Tennessee Department of Transportation and the Department of Public Works.

3. Traffic Conditions from the Preliminary Approval: Doverside Drive shall be relocated to align with Skyline Medical Center driveway and the road shall be designed for safe operation with adequate sight distance of the signal.

**Doverside Drive intersection:**

1. The developer shall construct the Doverside approach with 2 separate right turn lanes, a through lane, a separate left turn lane and 2 westbound through lanes with storage lengths as indicated on the PUD plan.
2. The developer shall submit a signal design for approval and install the signal modifications. Signal plan shall include pedestrian signals and ADA facilities.
3. The developer shall construct Dickerson Pk with 2 Northbound separate left turn lanes, 2 through lanes and a shared right/through lane with storage as indicated on the PUD plan.
4. Developer shall construct a new southbound through/right lane along the Dickerson Pk frontage and it shall extend to the through/right lane at the Briley Pkwy westbound on-ramp.

**Access driveway on Dickerson Pike:**

1. The developer shall construct the access driveway with separate left and right turn lanes. Additional ROW for the access driveway shall be reserved in order to install a separate through lane if a 4th leg is added to this intersection

in the future. The access shall driveway shall include 2 westbound through lanes with storage lengths as indicated on the PUD plan.

2. The developer shall submit a signal design for approval and install the signal. Signal plan shall include pedestrian signals and ADA facilities. All new signals shall be interconnected and coordinated with signals in the vicinity of the project.

3. The developer shall construct Dickerson Pike with 2 Northbound separate left turn lanes, 2 through lanes in each direction and a southbound separate right turn lane with storage as indicated on the PUD plan. Required lane signage shall be installed.

**Dickerson Pike and I-65 Northbound ramps:**

1. The southbound exclusive left turn lane on Dickerson shall be striped to provide a minimum of 100 ft of storage for northbound traffic entering I-65 southbound in order to provide greater storage for southbound traffic turning left onto I-65 northbound.

2. TDOT approval of all Dickerson Pk modifications is required.

**Doverside Drive and pharmacy intersection:**

1. The developer shall install a westbound left turn lane with 100 ft of storage on Doverside at the pharmacy access driveway.

**Doverside Drive and site access west of Dickerson:**

1. The developer shall construct Doverside Drive with eastbound through and through/left lanes. The westbound approach shall be constructed with a through lane and a separate free-flow right turn lane. The southbound approach shall be constructed with 3 exit lanes and 2 entering lanes. Turn lane storage lengths shall be provided as identified on the PUD plan.

2. The developer shall submit a signal design for approval and install the signal at this intersection. Signal plan shall include pedestrian signals and ADA facilities if sidewalks are constructed. The signals shall be interconnected and coordinated with signals in the vicinity of the project. In accordance with Metro standards video detection shall be installed on the private approach and loop detection with advance detection shall be installed on the main line approaches.

**STORMWATER RECOMMENDATION** -Stormwater has recommended conditional approval of the plan, as submitted.

**WATER SERVICES RECOMMENDATION**-“This has conditional approval. Off-site water system improvements still must be submitted. Both on-site and off-site plans must still be approved along with pre-construction meeting, etc”

**FIRE MARSHAL RECOMMENDATION**-Approve as noted: ..”a new 16 inch public water main will be added to boost the water pressure for this project.”

The new water main will be extended 2,200 feet from Broadmoor Drive to Homestead Road, south of this project on Dickerson Road.

**CONDITIONS**

1. Prior to final plat approval, the Metro Council must approve the closure and relocation of Doverside Drive.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services. Before any grading permits are issued, a chain-link fence must be installed along the boundary of the undisturbed area so that there will be no disturbance to the area designated for a conservation easement before, during and after construction.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public

Works for improvements in the public right of way.

4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to final plat approval, the applicant shall dedicate the proposed open space and conservation easement to an appropriate land trust.

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

**Resolution No. RS2006-297**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-010G-02 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to final plat approval, the Metro Council must approve the closure and relocation of Doverside Drive.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services. Before any grading permits are issued, a chain-link fence must be installed along the boundary of the undisturbed area so that there will be no disturbance to the area designated for a conservation easement before, during and after construction.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for improvements in the public right of way.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Prior to final plat approval, the applicant shall dedicate the proposed open space and conservation easement to an appropriate land trust.”

- 24. 2005P-017G-06**  
Shoppes on the Harpeth  
Map 155, Parcels 114, 116, 116.02,  
Map 156, Parcels 27, 27.01 And 27.02  
Subarea 6 (2003)  
Council District 35 - Charlie Tygard

A request to revise the preliminary approval for a planned unit development (10.57 Acres), located between Harding Pike and Highway 100 (7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike) classified CL, to permit one bank totalling 4,100 square feet, three restaurants totaling 9,400 square feet, and 39,000 square feet of retail, requested by Dale & Associates, applicant for Tampa Bay Briarwood Associates, property owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Revise Preliminary PUD**

A request to revise the preliminary approval for a planned unit development (10.57 Acres), located between Harding Pike and Highway 100 (7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike) classified CL, to permit one bank totaling 4,100 square feet, three restaurants totaling 9,400 square feet, and 39,000 square feet of retail.

The original plan approved 3,000 square feet of bank, 9,300 square feet of restaurant space, 12,000 square feet of office space, and 34,500 square feet of retail space.

**PLAN DETAILS** -The original plan was approved for 3,000 square feet of bank, 9,300 square feet of restaurant space, 12,000 square feet of office space, and 34,500 square feet of retail space (a total of 58,800 square feet. The current plan reduces total amount of square footage by 7,100 square feet and removed the general office space component from the PUD. The commercial has shifted from proposing “big boxes” to multiple spaces for smaller tenants. Additionally, the out parcels have been revised to move the bulk of the parking away from Highway 100. There is a no-disturb stream buffer along the frontage of Highway 100 that will serve to buffer the development.

This PUD proposes no change in proposed access points. Street connections are proposed along Old Harding Pike, and Highway 100. Driveway connections are proposed to the existing Walgreen’s to the west, and the planned Harpeth Village PUD to the east. The Walgreens connection can not be made at this time because the Walgreens developer will not cooperate, even though this connection would be beneficial to them. Cross access was not obtained at the time the Walgreens was approved because the community plan at that time envisioned the area where this PUD is located as remaining residential. If the Walgreens site redevelops in the future, the connection will be required at the time.

**Public Works Recommendation to Planning** -All Public Works’ design standards shall be met prior to permit issuance. Any approval is subject to Public Works’ approval of the construction plans. Final design and improvements may vary based on field conditions.

1. The project roadway improvements shall be coordinated with roadway construction for the Temple Road TDOT project and the Harpeth Village PUD development Hwy 100 road improvements shall be approved by TDOT.
2. Developer shall construct a 3 lane cross section including center turn lane on Hwy 100. These improvements shall connect to the existing lanes at the Old Harding Pk intersection and proposed lanes for the TDOT/Temple Rd project and the Harpeth Village PUD. Developer shall construct a 3 lane cross section on Old Harding Pk from Learning Lane to the proposed Harpeth Village PUD access road. The widening shall align with existing laneage at Learning Lane and the proposed road improvements at the Harpeth Village PUD.

**In accordance with the TIS,**

1. Developer shall dedicate required ROW for the road improvements and reserve additional ROW in accordance with the major street plan Classification S4 for Hwy 100 and U4 for Old Harding Pk.
2. Developer shall install a westbound left turn lane with a minimum 100 ft of storage on Old Harding Pk at access driveway.
3. Developer shall install an eastbound left turn lane with 100 ft of storage on Hwy 100 at access driveway.
4. Developer shall construct a westbound right turn lane with 100 ft of storage on HWY 100 at access driveway. The transition length shall be per AASHTO standards.
5. The transition on Hwy 100 at the adjacent Walgreens drive shall be modified to be in accordance with AASHTO standards.

**Based on data included in the TIS,**

1. The access driveway at Hwy100 shall be aligned opposite the Church driveway. The access driveway shall be constructed with 2 southbound exit lanes with 80ft of storage and 1 northbound entering lane. The first internal driveways shall be a minimum of 50 ft from the reserved HWY 100 ROW. The internal driveways shall be designed to function as right in and right out drives via the use of a median.

2. Cross connection shall be constructed to the adjacent Walgreens and Harpeth Village PUD.
3. Developer shall submit a signal coordination study in order to optimize traffic flow on Old Harding Rd and Hwy 100. This study will be required upon installation of signals at the adjacent Harpeth Village PUD development and completion of 50% of the Shoppes on the Harpeth development.

Amendment No. 2 to Ordinance No. BL2005-746

**Amendment No. 2  
To  
Ordinance No. BL2005-746**

Mr. President:

I move to amend Ordinance No. BL2005-746 by amending Section 3 by deleting the following conditions in their entirety:

"11. Developer shall construct a 3 lane cross section on Old Harding Pk from Learning Lane to the proposed Harpeth Village PUD access road. The widening shall align with existing laneage at Learning Lane and the proposed road improvements at the Harpeth Village PUD."

"13. Developer shall install a westbound left turn lane with a minimum 100 ft of storage on Old Harding Pk at access driveway."

"17. The access driveway at Old Harding Pk. shall be constructed with 2 exit lanes and 1 entering lane. Adequate sight distance shall be provided and documented at development. The first internal drive intersection shall be a minimum of 50 ft from the Old Harding Rd reserved ROW."

**Public Works response:**

Public Works will honor the approved amended Council bill. Construction plans are to be designed and graded in such a way that the paving improvements can be made in the future if necessary with minimal disruption to the area.

**STORMWATER RECOMMENDATION - Approved.**

**CONDITIONS**

1. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. All sidewalks must be at least 6 ft. in width, with a 4 ft planting strip between the sidewalk and the street.
3. All medians within intersections must provide adequate and safe crossing, as well as, be ADA compliant.
4. All signs shall be monument type signs, not to exceed 5 ft. in height. No free standing sign shall be allowed along Old Harding Pike.
5. Connection with the adjacent properties must be maintained.
6. Although water quality devices are not identified on the preliminary, Stormwater review of the final may determine that some type of water quality device is needed requiring minor or even significant changes. Significant changes that meet certain thresholds specified in Section 17.40.120 of the Metro Zoning Code will require Council approval.
7. 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.
8. 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 and electronic 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.

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

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

**Resolution No. RS2006-298**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-017G-06 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. All sidewalks must be at least 6 ft. in width, with a 4 ft planting strip between the sidewalk and the street.
3. All medians within intersections must provide adequate and safe crossing, as well as, be ADA compliant.
4. All signs shall be monument type signs, not to exceed 5 ft. in height. No free standing sign shall be allowed along Old Harding Pike.
5. Connection with the adjacent properties must be maintained.
6. Although water quality devices are not identified on the preliminary, Stormwater review of the final may determine that some type of water quality device is needed requiring minor or even significant changes. Significant changes that meet certain thresholds specified in Section 17.40.120 of the Metro Zoning Code will require Council approval.
7. 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.
8. 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 and electronic 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.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.”

**25. 2005P-027U-05**

Home Depot

Map 061-00, Parcels 009, 009.01, 046

Map 061-03, Parcels 072, 073, 074, 075, 076, 077, 078, 078.01

Subarea 5 (1994)

Council District 4 - Michael Craddock

A request for final approval for a Commercial Planned Unit Development district to be located along the west side of Gallatin Pike and along the north side of Joyce Lane, (15.72 acres), classified SCR, to permit the development of a 135,347 square foot retail building, and two 3,600 square foot restaurant outparcels, requested by Kroeger Real Estate, applicant, for Robert N. Moore Jr. and Millard V. Oakley, owners.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Final PUD**

A request for final approval for a commercial Planned Unit Development district located along the west side of Gallatin Pike and along the north side of Joyce Lane, (15.72 acres), classified SCR, to permit the development of a 135,347 square foot retail building, and two 3,600 square foot restaurant out parcels.

#### **PLAN DETAILS**

Site Plan - The plan calls for a 133,007 square foot Home Depot and two 3,600 square foot out parcel “pads,” both of which will be for restaurant uses. The plan is consistent with the Council approved preliminary plan. Minor changes include the road design along Joyce Lane and at the intersection of Joyce Lane and Gallatin Pike.

Parking - The plan calls for a total of 668 parking spaces, which includes both the Home Depot site and the proposed out parcel(s). According to the dimensions provided, Home Depot is required to have 585 parking spaces, and the two other uses will require 72 parking spaces for a total of 657 required for the overall site. Typically parking should be provided on site. As proposed, the Home Depot site will only have 570 parking spots, which is 15 short of the required 585. To meet parking requirements, a parking easement must be provided across the entire site, or some other parking agreement must be arranged so that parking will be in compliance with Metro Code.

**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. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION**- Approved

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

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

#### **Resolution No. RS2006-299**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-027U-05 is **APPROVED WITH CONDITIONS. (9-0)**

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



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

### **XIII. MANDATORY REFERRALS**

- 26. 2006M-074U-12**  
 Sign at Linbar Dr. for Smoke 'N' Save  
 Map 134-13, Parcel 201  
 Subarea 12 (2004)  
 District 30 -Michael Kerstetter

A request to encroach on a public right-of-way to install a 2 pole sign, located at 4900 Linbar Drive, requested by Civil Resource Consultants for TM Investments, LLC for Smoke 'N' Save.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** -Request to encroach on a public right-of-way to install a two-pole sign, located at 4900 Linbar Drive, requested by Civil Resource Consultants for TM Investments, LLC for Smoke 'N' Save.

**APPLICATION DETAILS** - This request was previously reviewed by the Planning Department and other Metro agencies as an aerial encroachment into public right of way. Metro Council staff noticed that the sign is, in fact, located entirely in the right of way, including the posts for the sign. Accordingly, the request has now been referred to the Planning Commission as a request for a ground encroachment into the Metro right of way.

The applicant in this matter recently purchased the property at 4900 Linbar Drive, which is the location of a gas station and convenience store. This is a request to change an existing sign, not to place a new sign in the right of way. The sign is located in a grass "island" that is entirely within the public right of way. A parking area used by the applicant is also located within the right of way.

According to the Department of Public Works, the right of way where this sign is located was acquired approximately 30 years ago. It is unclear why the right of way was acquired because no roadway was built in this location and the right of way is not maintained by Metro.

**DEPARTMENT AND AGENCY RECOMMENDATIONS**-This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

**PLANNING STAFF RECOMMENDATION** -Planning staff recommends disapproval of this request for an encroachment in the public right of way. Although the sign is already existing, this request would legitimize the locating of a private sign to promote a commercial enterprise completely within public right of way. It would also set a precedent of allowing ground mounted commercial business signs within the public right of way.

The appropriate course of action would be for the applicant to request that Metro abandon whatever portion of right of way is not required for public purposes in this area. If the area where the sign is located can be abandoned, then there would be no further need for approval of an encroachment. If that part of the right of way cannot be abandoned by Metro, then the sign should be moved to a location on the private property.

Mr. Kleinfelter gave a brief explanation regarding this request. The explanation included a request for indefinite deferral which could not be granted thus resulting the disapproval. He stated that the applicant has agreed to the recommendation.

Mr. Clifton stepped out of the meeting.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to disapprove Mandatory Referral 2006M-074U-12. **(7-0)**

**Resolution No. RS2006-300**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006M-074U-12 is **DISAPPROVED. (7-0)**”

---

Mr. Clifton returned to the meeting.

---

**XII. OTHER BUSINESS**

27. Employee Contract Renewal for David Kline and a New Employee Contract for Carrie R. Logan.

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

28. Executive Director Reports

29. Legislative Update

#### **XIV. ADJOURNMENT**

The meeting adjourned at 6:45 p.m.

---

Chairman

---

Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, 2<sup>nd</sup>. Floor, Nashville, TN 37201, (615)862-7150. **Title VI inquiries should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **Contact Department of Human Resources for all employment related inquiries** at (615)862-6640.