



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

September 28, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Tonya Jones
Ann Nielson
James McLean
Councilmember J.B. Loring

Staff Present:

Ann Hammond, Asst. Executive Director
Ted Morrissey, 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
Sima Thakkar, Planner I
Bob Eadler, Planner III

Commission Members Absent:

Victor Tyler
Judy Cummings

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

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

III. APPROVAL OF SEPTEMBER 14, 2006, MINUTES

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve the September 14, 2006, minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Duvall was present at the meeting and did not address the Commission.

Councilmember Hunt spoke in support of the Parkwood – Union Hill Community Plan: 2006 Update.

Councilmember Shulman spoke in favor of Items 3, 4, 5 – 2006Z-140U-10, 2006Z-143U-10 and 2006Z-144U-10 which were on the Consent Agenda for approval.

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WITHDRAWN**

11/2/2006 9:31:15 AM

- | | | | |
|-----|----------------|---|---|
| 6. | 2005P-017G-06 | Shoppes on the Harpeth, Lot 1 - Request for final approval for Lot 1 of a Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (1.09 acres), to permit the development of a 4,100 square foot bank, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner. | – deferred to October 12, 2006, at the request of the applicant |
| 7. | 2005P-017G-06 | Shoppes on the Harpeth, Lot 2 - Request for final approval for Lot 2 of a Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (1.28 acres), to permit the development of a 3,600 square foot restaurant, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner. | – deferred to October 12, 2006, at the request of the applicant |
| 8. | 2005P-017G-06 | Shoppes on the Harpeth, Lots 4 And 5 - Request for final approval for lots 4 and 5 of the Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (6.38 acres), to permit the development of a 12,000 square foot two-story office and retail building, and 32,000 square foot retail building, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner. | —deferred to October 12, 2006, at the request of the applicant. |
| 9. | 2006SP-034G-06 | Traemoor Village – Request for final development approval for property located at 7416 Old Charlotte Pike, Sawyer Brown Road (unnumbered) and Charlotte Pike (unnumbered) (22.98 acres), to construct 121 multi-family units | —deferred to October 12, 2006, at the request of the applicant. |
| 10. | 2006SP-162G-04 | Myatt Drive Thornton's - Request to change from RS7.5 to SP zoning properties located at 900 Anderson Lane and 317 Myatt Drive, to permit the development of a convenience store with gas service | – deferred indefinitely at the request of the applicant |
| 14. | 155-74-G-14 | Larchwood Commercial (Thornton's)121 - Request to revise a portion of the preliminary plan for a commercial Planned Unit Development located at 714 Stewarts Ferry Pike, to permit the development of a 4,634 square foot fuel station with 16 pumps | – 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. (7-0)

VI. PUBLIC HEARING: CONSENT AGENDA

PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

- | | | | |
|----|---------------|---|-----------|
| 2. | 2006Z-008U-08 | Request to change from OR20 and R6 to MUG zoning on properties located at Hume Street (unnumbered) and 8th Avenue North (unnumbered) | - Approve |
| 3. | 2006Z-140U-10 | Request to change from R10 to RS10 zoning various properties located south of Sharondale Drive on 22nd Avenue South | - Approve |
| 4. | 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) | - Approve |
| 5. | 2006Z-144U-10 | Request to change from R40 to RS40 zoning various properties located north of Battery Lane, approximately 230 west of Lealand Drive | - Approve |

FINAL PLATS

- 11. 2006S-296G-06 Paul A. Justice, Minor Revision - Request for final plat approval to create 3 lots on property located at 7833 and 7837 Highway 100 - Approve, including a variance for depth to width
- 13. 2006S-298G-04 Moore Family Trust Property - Request for final plat approval to create 2 lots on property located at 1448 Neely's Bend Road - Approve w/conditions

PLANNED UNIT DEVELOPMENTS AND SPECIFIC PLANS

- 15. 114-78-U-12 Oak Hill Townhomes (Previously McMurray Townhomes) - Request to revise the preliminary and for final approval for the residential Planned Unit Development located at McMurray Drive (unnumbered), to permit the development of a 206 unit townhome development - Approve w/conditions
- 16. 64-85-P-05 Greenfield Plaza Kroger - Request for final approval for a commercial Planned Unit Development District located at the southeast corner of Gallatin Pike and Greenfield Avenue to permit a new fuel center with 5 pumps and a service kiosk - Approve w/conditions
- 17. 2004P-013G-12 Mill Creek Towne Centre (Formerly Legg Development), Fifth Third Bank - Request to revise a portion of the preliminary and for final approval for the commercial Planned Unit Development at Concord Hills Drive, to permit a 4,117 square foot bank - Approve w/conditions

OTHER BUSINESS

- 19. Employee contract renewals for Ryan Latimer, Bob Leeman, and Anita McCaig. - Approve
- 20. 2007 Planning Commission meeting schedule and filing deadlines - Approve
- 21. Contract between Metro and the State of Tennessee Department of Transportation for the provision of coordination and financial reimbursement of a comprehensive, cooperative, and continuing transportation process for the Nashville Urbanized area. - Approve

Mr. Clifton requested that Item #1, 2006SP-152U-11 be removed from the Consent Agenda.

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

VII. ADOPT THE FOLLOWING PROPOSED PLAN: PARKWOOD – UNION HILL COMMUNITY PLAN: 2006 UPDATE

Staff Recommendation - *Adopt plan as proposed*

PUBLIC PARTICIPATION - Staff conducted a total of nine meetings in the community between March and July of 2006 for this plan. Although attendance at some of the community meetings was 35-40 people, low attendance at others led staff to schedule additional meetings at different locations. Staff estimates that, overall, more than 90 different individuals attended and participated in at least one of those meetings.

HIGHLIGHTS *Parkwood – Union Hill Community Plan: 2006 Update*

Land Use Element - Substantively, the land use and intensity differences between the proposed plan and the 1995 plan it will replace are minimal in many areas. The vast majority of established rural, urban, and suburban residential areas and those committed to residential uses in the 1995 plan are envisioned to remain as such. Nonresidential areas along Dickerson Pike in the 1995 plan are envisioned to evolve to a greater mixture of uses in the proposed plan with few exceptions. In other nonresidential areas, such as the mixed commercial concentration in the vicinity of I-24 and Old Hickory Blvd., and the industrial areas between Brick Church Pike and I-24 north of Briley Pkwy, and on the west side of Springfield Hwy north of Goodlettsville, the vision remains the same as the 1995 plan.

Much of the difference between the two plans is a change in appearance that results from the use of the newer structure plan policies that are applied to the neighborhoods and corridors identified for design plans. The highlights of the proposed plan are as follows:

- A major focus of the plan is the Dickerson Pike corridor because of its importance as a transportation artery and its role as the community's main service center. Community and business participants encouraged efforts to guide the development along Dickerson Pike to avoid recreating another Gallatin Pike or Nolensville Pike strip arterial. The plan includes detailed land use policies for the corridor. They are aimed at creating a major mixed-use node at Dickerson Pike and Briley Pkwy; smaller mixed-use nodes with residentially-oriented services at key entrances to residential areas; and mixed, mainly employment-oriented businesses, civic and public benefit activities and residential uses between nodes. Development principles are also provided to guide the character of development in the corridor. These principles emphasize land use compatibility; pedestrian- bicycle- and transit-friendly design; and attractive appearance of the corridor. The preparation of a "streetscape" plan for the corridor is recommended.
- Preservation and protection of the vast majority of the community's existing rural and environmentally sensitive areas and its established, predominantly suburban, residential areas are major goals of the plan. Rezoning is recommended for areas where the existing zoning does not reflect the area's established character and preservation is intended.
- Opportunities are provided mainly in the southern portion of the community for residential growth other than scattered rural development. Those opportunities include land that is undeveloped and suitable for urban and suburban intensity. Some of these areas are designated for conventional suburban type development. Others are intended for more urban "walkable" neighborhood type development and are the areas for which detailed design planning would be required. Significant opportunities are also provided in the Dickerson Pike corridor where a greater mixture of residential and nonresidential uses is envisioned. Zoning tools such as Urban Design Overlays or the Specific Plan district will be used to ensure that through careful urban design, subsequent development contributes to the larger sense of community and distinctive place and responds to both pedestrian and vehicle needs.
- Economic development is envisioned mainly through the intensification of already established and committed areas of mixed and nonresidential development, mainly at major nodes along the Dickerson Pike corridors and in the other nonresidential areas mentioned above.
- The plan encourages design that provides opportunities for more active lifestyles and promotes the health and well-being of the community's residents. More mixed use development, more compact residential development, additional parks, and pedestrian-oriented transportation system improvements are all aimed at fostering more active living.
- The plan includes seven "special policy areas" that address a variety of concerns including preserving the historically significant former Union Hill elementary school, rezoning to preserve established neighborhood character, and promoting a high level of design in the development along Dickerson Pike.

Transportation Element - For enhanced multi-modal travel, traffic relief, and greater pedestrian friendliness, selective major street widening and intersection projects, transit, bikeways, more sidewalks, greenways, and traffic management/ calming projects are recommended throughout the community.

- The plan recommends deleting certain currently planned collector streets because provision of them appears unlikely. It also recommends re-evaluation of the plan to 4-lane Due West Ave. between I-65 and Dickerson Pike. These recommended changes have not yet been adopted as amendments to the official Major and Collector Street Plans. Official adoption of the community plan transportation element is recommended to be done as part of the network analysis and overall synchronization of the community plans and the Major and Collector Street Plans.
- The plan stresses the importance of providing connectivity of the street network and recommends a minimum level of connectivity in areas envisioned to develop in the future.
- The plan encourages a development pattern more supportive of transit service along Dickerson Pike.

Open Space Element - The community contains a regional park (Cedar Hill) and several neighborhood parks. The plan recognizes the absence of and need for community parks, and additional neighborhood parks as required by new development. It also envisions a network of greenways, but notes that the main importance of greenways in the northern rural section of the community is for conservation of open space that remains in private ownership, rather than areas accessible to the public.

Ms. Sima Thakkar and Mr. Bob Eadler presented and stated that staff is recommending adoption of the plan as proposed.

Mr. Clifton moved and Mr. McLean seconded the motion, which passed unanimously to approve the Parkwood-Union Hill Community Plan: 2006 Update. **(7-0)**

Resolution No. RS2006-317

“BE IT RESOLVED by The Metropolitan Planning Commission that the Parkwood Union Hill Community Plan: 2006 Update is **APPROVED. (7-0)**”

VIII. PREVIOUSLY DEFERRED ITEMS:

- 2006SP-152U-11**
Nolensville Road Automart
Map 119-09, Parcels 042, 062, 063
Subarea 11 (1999)
Council District 16 – Diane Neighbors

A request to change from CS to SP zoning properties located at 2721 and 2725 Nolensville Pike, and 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue, (0.82 acres), to permit the expansion of an existing used car sales business, requested by Ronald J. Haslip, applicant, for Ronald J. and Alfred J. Haslip, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST-Preliminary Final Development Plan

A request to change approximately 0.82 acres from Commercial Services (CS) to Specific Plan (SP) zoning, and approval of the final development plan to permit the expansion of an existing "Automobile Sales Used," and "Automobile Services," on property located at 2721 and 2725 Nolensville Pike and 2722 Grandview Avenue.

Existing Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, new auto sales, self-storage, light manufacturing and small warehouse uses.

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.

SUBAREA 11 COMMUNITY PLAN

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

Industrial and Distribution (IND) - IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with policy? - Yes. The request is consistent with the area’s Commercial Arterial Existing and Industrial and Distribution policies. In addition, the proposed use already exists and the request is merely for an expansion of the existing use.

In addition to consistency with the General Plan, staff also considers:

- the number and concentration of similar uses in the area under consideration;
- the impact of the use relative to the surrounding properties and the intent of the land use policy category for that area, and
- if site improvements are needed to ensure that the development will enhance the area.

The segment of Nolensville Pike between Thompson Lane and I-440 currently has at least 11 active and vacant (but nonconforming and available for reopening) used auto sales operations. Of these eleven, the applicant owns two. The applicant proposes to consolidate the two locations (and close one) resulting in a reduction of one in the number of used auto sales facilities, although not necessarily the actual amount of square footage allocated to auto sales.

PLAN DETAILS

Background - In April 2006, Metro Council passed legislation that defines different types of “auto uses” and designates which auto uses will be allowed in which zoning districts. With this legislation, used car lots are designated to the SP (Specific Plan), and industrial (IWD, IR and IG) zoning districts. While the new legislation allows for used car lots to be located in all industrial zoning districts by right, other areas require a SP, which is its own zoning district (for more details on the SP see above). Staff’s review of the SP is to ensure that the request is consistent with area policies, and that it will not have any negative impact on the surrounding area, and, if needed, to require certain site design requirements or other improvements in association with the zoning change.

Site Plan - This site is currently developed with a used automobile lot, and this request is for the expansion of the existing use.

Currently there are three separate structures located within the proposed SP district. As proposed, the existing 4,900 square foot building located at the corner of McClain Avenue and Nolensville Road will be demolished, as well as will a smaller 192 square foot storage building. The proposed site plan calls for the third existing 1,200 square foot office building to remain, as well as the construction of a new 2,000 square foot building for a total of 3,200 square feet of building area.

Access - The front two lots along Nolensville Road and the third lot along McClain Avenue are separated by a public alley. Access for the front two lots will be at the two existing locations at Nolensville and McClain with a third access point from the public alley. The rear lot will be access from McClain Avenue and from the public alley.

Staff Recommendation - Staff recommends that the request be approved with conditions.

RECENT REZONINGS – None

PUBLIC WORKS RECOMMENDATION

1. All Public Works’ design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works’ approval of the construction plans.

2. Show and dimension right of way along Nolensville Road at property corners. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.82	n/a	3,200	95	12	83

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.82	0.6	21,431	408	55	103

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
Vehicular Sales()	0.82	n/a	3,200	107	7	9

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
--				12	-5	-74

CONDITIONS

1. To ensure that the potential number of used car sale facilities are not increased in this corridor, the applicant shall present evidence that the existing used auto sales facility at 2624 Nolensville Pike will be closed and not reopened for automobile sales, services or repair during the 2 year nonconforming status period of the current lot.
2. The proposed knee wall design shall be amended and approved by the planning staff prior to issuance of any building or use permit for the property. The knee wall shall be constructed along Nolensville Pike and McClain Ave (from Nolensville Pike and the alley). The revised design shall consist of a knee wall of a minimum 24 inch height and the wall shall be constructed of either: concrete, stone, split-faced masonry or other similar material; or pillars with vertical pickets of wrought iron or similar material between the pillars.
3. Along McClain Ave and Grandview Ave adjacent to the property, the applicant shall construct a sidewalk that meets current Metro standards for construction. Any damage to the sidewalk along Nolensville Pike shall be repaired by the applicant.
4. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light
5. All performance and development standards not specifically listed in the SP shall be the same as if the property were zoned CN.
6. The property may also be for any uses permitted in the CN zoning district.
7. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire, or similar materials shall be allowed on the property.

8. The monument signage shown on the site plan shall be the only free standing signage. Any additional signage shall be on the face of the building. Pole-mounted signs shall not be permitted.
9. Landscaping shall be provided on site, and must be approved by planning staff prior to the issuance of any building permits. Interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purpose of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping as per Chapter 17.24.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

Mr. Swaggart presented information on this item to the Commission.

Mr. Clifton interrupted the presentation since he had requested this item be pulled from the Consent Agenda and the Public Hearing was closed at the September 14, 2006, meeting. He stated he was no longer in favor of deferring the proposal due to the fact that the zone change was not a bill and would not be heard at Council until January. Mr. Clifton acknowledged the condition included in the proposal that clarified that the existing used auto sales facility would be closed which would result in a reduction of used auto facilities. He then spoke of recent legislation passed by Council that addressed net decreases in used auto facilities in concentrated areas.

Mr. Clifton requested clarification on whether the Commission could condition the proposal that would prohibit a net increase in the square footage of the auto sales facilities.

Mr. Swaggart stated that the current application is for a 3,200 sq. ft. auto use building and that an analysis on whether it would be an increase or decrease was not completed.

Mr. Lawson suggested the Commission request that prior to Council approval that an analysis be completed to make a determination on whether the proposal would be considered an increase or decrease in square footage and it is the Commission's request that the analysis show no increases.

Mr. Clifton clarified that he was not suggesting a reduction, just insuring there would be no increase.

Mr. Clifton moved and Mr. McLean seconded the motion, that the Commission approve Zone Change 2006SP-152U-11 with the added condition that the plan details clarify that there will be no net increase in square footage devoted to auto sales, and if there is an increase, the Commission would recommend disapproval. (7-0)

Resolution No. RS2006-318

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-152U-11 is **APPROVED WITH CONDITIONS, including that plan details clarify that there will be no net increase in square footage devoted**

to auto sales (by consolidating the existing dealership and an off-site dealership into this site), and if there is an increase, then the project is disapproved. (7-0)

The proposed SP district with no net increase in area devoted to auto sales is consistent with the Subarea 11 Community Plan’s Commercial Arterial Existing, and Industrial and Distribution policies, which both allow for many different types of commercial, industrial, distribution as well as used car lots.”

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

- 2. **2006Z-008U-08**
Map 081-12, Parcel 328, 329
Subarea 8 (2002)
Council District 19 - Ludy N. Wallace

A request to change from OR20 and R6 to MUG zoning on properties located at Hume Street (unnumbered) and 8th Avenue North (unnumbered) (1.52 acres), requested by 2120 Partners LLC, applicant/owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to change approximately 1.52 acres from office and residential (OR20) and single-family and duplex (R6) to mixed use general (MUG) properties located at Hume Street (unnumbered) and 8th Avenue North (unnumbered).

Existing Zoning

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

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

MUG District - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

NORTH NASHVILLE COMMUNITY PLAN

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.

Salem Town Detailed Neighborhood Development Plan

Mixed Use (MU) - 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.

The plan for this area further recommends that development be mid – rise (4-6 stories), and that corner lot building be built to the sidewalk to provide a “Main Street” character. When possible, on-street parking should be provided.

Consistent with Policy? - Yes. The proposed MUG zoning district allows for the kind of uses called for in the North Nashville Community Plan and the Salem Town Detailed Neighborhood Design Plan. While detailed plans such as a PUD or SP are typically required for zone changes in areas with Community Center and Mixed Use policies, a PUD or SP is not being required with this request. This is because the request is located within the Phillips – Jackson Street Redevelopment District. Developments within redevelopment districts require plans to be approved by MDHA. In its design review process, MDHA has agreed to include the area’s policy and Detailed

Neighborhood Design Plan, which were adopted by the Planning Commission. The MDHA design review committee recently approved the development plan for this property on September 19, 2006.

Recommendation - Since the development plan was approved by MDHA, staff recommends that the request be approved.

PUBLIC WORKS RECOMMENDATION - A TIS is required at development.

Typical Uses in Existing Zoning District: OR20/R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.52	6.18	9*	86	7	10

*Assumes all 1.52 acres is R6

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.52	0.184	12,183	263	35	93

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	1.52			177	28	83

Maximum Uses in Existing Zoning District: OR20/R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.52	6.18	9	86	7	10

*Assumes all 1.52 acres is R6

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.52	3.0	198,634	2253	324	302

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
--	1.52			2167	317	292

Approved, (7-0) *Consent Agenda*

Resolution No. RS2006-319

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-008U-08 is **APPROVED**. (7-0)

The proposed MUG district and the associated plan that was approved by MDHA are consistent with the North Nashville Community Plan’s Corridor Center structure policy, and its Mixed Use detailed neighborhood policy, which both call for a mixture of residential and commercial uses, including office.”

3. **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

APPLICANT REQUEST - A request to change approximately 10.41 acres from single-family, and two-family (R10) to single-family residential (RS10) on various properties located on 22nd Avenue South.

Existing Zoning

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

Proposed Zoning

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.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? - Yes. The requested RS10 is consistent with the area’s RLM policy of 2 to 4 dwelling units per acre. Since the requested RS10 district is consistent with the area’s RLM policy, staff recommends that the request be approved.

Application Fee - There are 36 properties in this request, and the total fee would be \$1,254. If each property owner was to file a Zone Change application individually, the total fee would be \$43,220.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

METRO SCHOOL BOARD REPORT

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, (7-0) *Consent Agenda*

Resolution No. RS2006-320

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-140U-10 is **APPROVED. (7-0)**

The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is intended for residential developments with a density between two to four dwelling units per acre.”

4. **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

APPLICANT REQUEST - A request to change approximately 31.25 acres from single-family, and two-family (R20) to single-family residential (RS20) on various properties located East of Hilldale Drive, and north of Abbott Martin Road

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

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 requested RS20 is consistent with the area’s RL policy of one to two dwelling units per acre. There are 54 properties in this request.

Application Fee - There are 54 properties in this request, and the total fee would be \$1,462. If each property owner was to file a Zone Change application individually, the total fee would be \$64,800.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

METRO SCHOOL BOARD REPORT

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, (7-0) *Consent Agenda*

Resolution No. RS2006-321

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-143U-10 is **APPROVED. (7-0)**

The proposed RS20 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low policy, which is intended for residential developments with a density between one to two dwelling units per acre.”

- 5. **2006Z-144U-10**
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

APPLICANT REQUEST - A request to change approximately 5.71 acres from single-family and two-family residential (R40) to single-family residential (RS40) on various properties located on the north side of Battery Lane.

Existing Zoning

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

Proposed Zoning

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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 requested RS40 is consistent with the area’s RL policy of one to two dwelling units per acre. Since the requested RS40 district is consistent with the area’s RL policy, staff recommends that the request be approved. There are four properties in this request.

Application Fee - There are four properties in this request, and the total fee would be \$1,207. If each property owner was to file a Zone Change application individually, the total fee would be \$4,800.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

METRO SCHOOL BOARD REPORT

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, (7-0) *Consent Agenda*

Resolution No. RS2006-322

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-144U-10 is **APPROVED. (7-0)**

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

PLANNED UNIT DEVELOPMENTS

- 6. **2005P-017G-06**
Shoppes on the Harpeth, Lot 1
Map 155, Parcels 114, 116, 27, 27.01 and 27.02
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request for final approval for Lot 1 of a Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (1.09 acres), to permit the development of a 4,100 square foot bank, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner.

STAFF RECOMMENDATION: Defer until Stormwater has completed its technical review, and Stormwater Committee has made a recommendation on applicant’s request to disturb area within storm water buffer.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-017G-06 to October 12, 2006, at the request of the applicant. (7-0)

- 7. **2005P-017G-06**
Shoppes on the Harpeth, Lot 2
Map 155, Parcels 114, 116, 27, 27.01 And 27.02
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request for final approval for Lot 2 of a Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (1.28 acres), to permit the development of a 3,600 square foot restaurant, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner.

STAFF RECOMMENDATION: Defer until Stormwater has completed its technical review, and Stormwater Committee has made a recommendation on applicant’s request to disturb area within storm water buffer.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-017G-06 to October 12, 2006, at the request of the applicant. (7-0)

8. **2005P-017G-06**
Shoppes on the Harpeth, Lots 4 And 5
Map155, Parcels 114, 116, 27, 27.01 And 27.02
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request for final approval for lots 4 and 5 of the Planned Unit Development district located between Highway 100 and Old Harding Pike, zoned CL, (6.38 acres), to permit the development of a 12,000 square foot two-story office and retail building, and 32,000 square foot retail building, requested by Dale and Associates for Tampa Bay Briarwood Associates, owner.

STAFF RECOMMENDATION: Defer until Stormwater has completed its technical review, and Stormwater Committee has made a recommendation on applicant's request to disturb area within storm water buffer.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-017G-06 to October 12, 2006, at the request of the applicant. (7-0)

X. PUBLIC HEARING:
ZONING MAP AMENDMENTS

9. **2006SP-034G-06**
Traemoor Village
Map 114-00, Parcels 127, 128, 269, 270
Subarea 6 (2003)
Council District 22 - Eric Crafton

A request for final development approval for property located at 7416 Old Charlotte Pike, Sawyer Brown Road (unnumbered) and Charlotte Pike (unnumbered) (22.98 acres), to construct 121 multi-family units, requested by Anderson, Delk, Epps & Associates, applicant, for Beazer Homes Corporation, owner.

STAFF RECOMMENDATION: Defer until Stormwater has approved plans

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-034g-06 to October 12, 2006, at the request of the applicant. (7-0)

10. **2006SP-162G-04**
Myatt Drive Thornton's
Map 043-07, Parcels 069, 070
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request to change from RS7.5 to SP zoning properties located at 900 Anderson Lane and 317 Myatt Drive, at the southeastern corner of Anderson Lane and Myatt Drive (1.87 acres), to permit the development of a convenience store with gas service, requested by TRC International, applicant, for Richard Bobbo, owner.

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-162G-04 indefinitely at the request of the applicant. (7-0)

XI. FINAL PLATS

11. **2006S-296G-06**
Paul A. Justice, Minor Revision
Map 156-00, Parcels 043, 116
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request for final plat approval to create 3 lots on property located at 7833 and 7837 Highway 100, approximately 1,150 feet north of Trace Creek Drive (5.03 acres), zoned RS40, requested by Joanne Justice King and Paul A. Justice, owners, Duclos Survey and Design Inc., surveyor.

STAFF RECOMMENDATION: Approve, including a variance for depth to width

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 3 lots including a variance from lot width requirements on property located at 7833 and 7837 Highway 100.

Zoning

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

SUBDIVISION DETAILS

History - A three lot subdivision was approved with conditions on this property by the Commission on September 22, 2005. That request proposed three lots with two flag lots. Flag lots are not typically encouraged since they create irregular lots and may be out of character with an area. A lot comparability analysis was also required for the request. All three of the lots failed for area and the two flag lots also failed for frontage.

While the request failed lot comparability, it did qualify for an exception, so staff worked with the applicant to address the flag lot scenario. Typically, flag lots do not work because they create back yards in front yards. With the river being at the rear of the lots, staff required that the homes on the flag lots be oriented towards the river. The requirement adequately addresses the orientation issue, while giving the applicants three lots, and was approved by the Commission, but was never recorded.

At the May 11, 2006, Planning Commission meeting the Commission approved the applicant,s request to remove the condition that required both flag lots to be oriented towards the river.

Site Plan - The current request will take the two existing lots and create three new lots. The lots will have the following area(s) and frontage(s):

1. 65,684 square feet (1.5 ac), 100 ft.;
2. 40,041 square feet (.92 ac), 100 ft.;
3. 63,560 square feet (1.5 ac), 100 ft.

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

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

The land use policy for the area is Residential Low-Medium. Metro’s Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. This proposal is below the density recommended for RLM policy, with an overall density of about 1.6 dwelling unit per acre.

Lot Width Variance

Section 3-4(2)f. - Section 3-4(2)f. stipulates that the lot width at the front property line shall be at least 25 percent of the average lot depth. This would require that the approximate lot width for each lot along Highway 100 be at least 130 linear feet. Since the lots are along the Harpeth River and contain a significant amount of floodplain and floodway, staff recommends that a variance to Section 3-4(2)f be approved.

Staff Recommendation - Because the proposed lots are consistent with the area’s policy, and since three lots were previously approved on this site, staff recommends that the request be approved including an exception for lot comparability and a variance from Section 3-4(2)f.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

Approved, including a variance for lot depth to width (7-0), *Consent Agenda*

Resolution No. RS2006-323

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-296G-06 is **APPROVED WITH A LOT DEPTH TO WIDTH VARIANCE. (7-0)**”

12. **2006S-297U-14**
Barton Lane Subdivision
Map 062-00, Parcel 072
Subarea 14 (2004)
Council District 15 - J. B. Loring

A request for final plat approval to create 4 lots on property located at 109 Barton Lane, approximately 300 feet east of Pennington Bend Road (3.45 acres), zoned R15 and RS15, requested by Phillip Potter, owner, Dale & Associates surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final Plat

A request for final plat approval to subdivide approximately 3.04 acres into four new lots located on the north side of Barton 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.

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

SUBDIVISION DETAILS

History - This request was originally approved with conditions at the September 8, 2005, Planning Commission meeting. Final plats expire after 180 days if they are not recorded. The plat was never recorded and has, therefore expired. Since the original plat has expired, then a new plat is required. The current request is identical to the original request.

Site Plan - As proposed, four new single-family residential lots will be created along the north side of Barton Lane. Lots will have approximately the following area(s):

- Lot 1: 50,518 sq. ft. (1.16 acres);
- Lot 2: 25,973 sq. ft. (.59 acres);
- Lot 3: 25,863 sq. ft. (.59 acres);
- Lot 4: 26,088 sq. ft. (.59 acres).

Access - Each lot will have access to Barton Lane, an existing public street.

Sidewalks - The subdivision is located within the General Services District along an existing street; therefore, sidewalks are not required.

Staff Recommendation - Since the requested subdivision is consistent with the previously approved subdivision and meets all current regulations and policies, staff recommends approval.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - No Exceptions Taken

WATER SERVICES RECOMMENDATION - Approvals are contingent upon Water Services' approval of construction plans.

CONDITIONS

1. The plat shall not be recorded until Water Services has approved construction plans.
2. Show 20' minimum pavement width along property frontage. If this 20' pavement width does not exist, then Barton Lane must be widened to accommodate this width of pavement. Prior to the issuance of any building permits, Barton Lane shall be upgraded as required by Metro Public Works.

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

Mr. Loring briefly explained his issues with this proposal. He mentioned that in the original proposal approved by the Commission, it included a condition that Barton Lane should be widened to 20 feet all the way to Pennington Bend Road as opposed to only in front of the proposed new lots.

Mr. Lawson offered there may be issues with requiring the developer to widen the road if he does not own the property that extends beyond the subdivision up to Pennington Bend Road.

Ms. Hammond explained that the subdivision plat currently requires the full 20 feet of dedication and paving for the proposed three new lots as well as the fourth lot that has an existing home, that adjoins the other three lots.

Mr. Loring stated he had many neighborhood meetings regarding this parcel and it was agreed to only allow for the rezoning if Barton Lane would be widened to 20 feet up to Pennington Bend Road.

A brief discussion ensued among the Commissioners regarding the proposal and the requested change by Mr. Loring and whether there were options available to accommodate the request.

Mr. Kleinfelter explained that the portion of Barton Lane that Mr. Loring was referring to was not included in the staff recommendation. However, he explained that if the survey that was submitted was correct, this portion could be included for improvements.

Mr. Clifton suggested that the Commission extend the right-of-way improvements to Barton Lane up to Pennington Bend Road.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously to approve with conditions Final Plat 2006S-297U-14 with the added condition that Barton Lane be widened to 20 feet from the eastern property boundary to the intersection of Pennington Bend Road. (7-0)

Resolution No. RS2006-324

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-297U-14 is **APPROVED WITH CONDITIONS, including a condition that Barton Lane be widened to 20 feet from the eastern property boundary to the intersection of Pennington Bend Road. (7-0)**

Conditions of Approval:

1. The plat shall not be recorded until Water Services has approved construction plans.
2. Show 20' minimum pavement width along property frontage. If this 20' pavement width does not exist, then Barton Lane must be widened to accommodate this width of pavement. Prior to the issuance of any building permits, Barton Lane shall be upgraded as required by Metro Public Works.”

- 13. 2006S-298G-04**
Moore Family Trust Property
Map 063-00 Parcel 002.02
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request for final plat approval to create 2 lots on property located at 1448 Neely's Bend Road, approximately 950 feet north of Hidden Acres Drive (8.68 acres), zoned RS40, requested by Lucy F. and Bobby H. Moore, owners, Weatherfield & Associates LLC, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final Plat

A request for final plat approval to subdivide approximately 8.68 acres into two new lots located at 1448 Neely's Bend Road.

Zoning

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

SUBDIVISION DETAILS

Site Plan -The site plan calls for two new lots on approximately 8.7 acres with an overall density of approximately one unit per 4.3 acres. As proposed, the lots will have the following area(s) and frontage(s):

77,288 square feet (1.7 ac), 256 feet;
299,154 square feet (6.8 ac), 50 feet.

Flag Lot (Section 3-4(2)c. - As proposed lot two is a flag lot, and must be approved by the Planning Commission. The Subdivision Regulations state that residential flag lots shall not be permitted except the Planning Commission may waive the requirement if it finds that, due to unusual conditions, limited area for lot frontage on a street is available, or if all of the following conditions are met:

- The proposed lots fit into the character of the area and are consistent with the general plan;
- All minimum standards of the Zoning Code shall be met;
- Up to three lots are proposed;
- The residential unit on the lot with frontage comparable to other lots in the area shall face the street;
- The flag lot private drive and/or access easement shall connect to a street;
- The flag lot private drive and/or access easement shall be at least ten feet wide for its entire length;
- The flag lot shared access easement shall be part of one non-frontage lot and under the same ownership as that lot.

A majority of the rear portion of this property is in floodplain, and is within a Natural Conservation policy. Typically, areas within Natural Conservation are not suitable for development, and if developed should be low density (one unit per two acres). Since a majority of the rear section (lot 2) is in flood plain staff recommends that a note be placed on the face of lot 2 that no development be allowed within the floodplain except for the limited disturbance required for the construction of a greenway.

Environmental/Greenway - A greenway is identified across this property adjacent to the stream, and is part of the Cumberland Greenway Network. Prior to recordation, a Greenway Access and Conservation Easement must be identified and labeled on the plat. Dimensions, location must be approved by Metro Greenways.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION

Set a minimum FFE for Lot 2, as it is affected by the 100 Year Flood. The minimum FFE for residential lots. Show and label a public drainage easement for the creek. Refer to Table 6-1 from Volume 1 of the Stormwater Management Manual for the proper drainage easement width.

CONDITONS

1. A note shall be placed on the face of lot 2 stipulating that no development or disturbance be allowed within the floodplain except for the limited disturbance required for the construction of a greenway.
2. Prior to recordation, a Greenway Access and Conservation Easement shall be identified and labeled on the plat. Dimensions and location must be approved by Metro Greenways.
3. All Stormwater comments above must be addressed prior to recordation.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2006-325

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-298G-04 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. A note shall be placed on the face of lot 2 stipulating that no development or disturbance be allowed within the floodplain except for the limited disturbance required for the construction of a greenway.

2. Prior to recordation, a Greenway Access and Conservation Easement shall be identified and labeled on the plat. Dimensions and location must be approved by Metro Greenways.
3. All Stormwater comments above must be addressed prior to recordation.”

XII. PLANNED UNIT DEVELOPMENTS (revisions)

- 14. 155-74-G-14**
Larchwood Commercial (Thornton's)121
Map 097-13, Parcel 029
Subarea 14 (2004)
Council District 14 - Harold White

A request to revise a portion of the preliminary plan for a commercial Planned Unit Development located at 714 Stewarts Ferry Pike, at the northwest corner of Stewarts Ferry Pike and Blackwood Drive, classified CL (1.1 acres), to permit the development of a 4,634 square foot fuel station with 16 pumps, requested by TRC International, applicant, for Eller & Olsen Stone Company, owner.

STAFF RECOMMENDATION: Approve with conditions

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

- 15. 114-78-U-12**
Oak Hill Townhomes (Previously McMurray Townhomes)
Map 161-00, Parcel 018
Subarea 12 (2004)
Council District 27 - Randy Foster

A request to revise the preliminary and for final approval for the residential Planned Unit Development located at McMurray Drive (unnumbered), east of Whitaker Drive, classified R8 (21.68 acres) to permit the development of a 206 unit townhome development, requested by Ragan-Smith Associates, applicant, for Gertrude T. Ezell, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revised Preliminary and Final

A request to revise the preliminary plan and for final approval for Phases 1 and 2 to allow for a total of 206 townhomes on the 21.68 acre site, replacing 218 units previously approved. This proposal also includes access to McMurray Drive, as was previously approved in 2004 by the Planning Commission.

PLAN DETAILS

History: This Residential PUD was originally adopted by the Metro Council in 1978. The Council-approved plan allowed for the development of 270 units with access onto McMurray Lane & McMurray Court. In 1985, the plan was revised by the Commission down to a 162-townhomes and an assisted-living facility. At is July 8, 2004, meeting, the Planning Commission approved a revision to the preliminary PUD plan to allow 218 units with access to McMurray Drive only, while the applicant’s plan called for 240 units with access to McMurray Court and McMurray Lane.

Proposed Plan 2006: The current proposed plan includes a reduction in units from the 218 approved by the Planning Commission in 2004, to 206 townhomes. The plan is consistent with the 2004 Planning Commission action that called for all access to be onto McMurray Drive. McMurray Drive is a designated as a collector street on the adopted Major Street Plan. Connectivity to the north and west is not possible since development has already occurred in these areas. All internal driveways within this development are proposed to be private.

2006 Court Order: This plan is also consistent with a Court Order requiring a maximum of 206 units with “an additional 83 parking spaces” within this development.

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.

Traffic Conditions from 2004 Preliminary Approval

1. Dedicate 1/2 of the required 60-foot collector ROW along McMurray Drive.
2. Construct 1/2 of the collector cross section along the property frontage on McMurray Drive.
3. Construct an Eastbound left turn lane with 75 feet of storage and transition per AASHTO on McMurray Drive at the project access drive.
4. Provide adequate sight distance for project access drive /McMurray Drive intersection. Submit graph of sight triangles per AASHTO guidelines.
5. Construct one entering lane and two exiting lanes for project access drive. The left turn lane shall have 50 feet of storage and transition per AASHTO standards.

METRO 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 Section 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. The required turnaround may be up to 100 feet diameter.
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, (7-0) *Consent Agenda*

Resolution No. RS2006-326

“BE IT RESOLVED by The Metropolitan Planning Commission that 114-78-U-12 is **APPROVED WITH CONDITIONS. (7-0)**

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 Section 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. The required turnaround may be up to 100 feet diameter.
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."

- 16. 64-85-P-05**
 Greenfield Plaza Kroger
 Map 072-02, Parcels 148, 156
 Subarea 5 (1994)
 Council District 8 -Jason Hart

A request for final approval for a commercial Planned Unit Development District located at the southeast corner of Gallatin Pike and Greenfield Avenue, classified CL, (5.74 acres), to permit a new fuel center with 5 pumps and a service kiosk, requested by The Kroger Company, applicant for Walter Johnson, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final PUD Site Plan

A request for final site plan approval for a Commercial Planned Unit Development district located at the southeast corner of Gallatin Pike and Greenfield Avenue, classified CL, (5.74 acres), to permit a new fuel center with 5 pumps and a service kiosk.

PLAN DETAILS - Earlier this year, the Greenfield Kroger PUD was amended to annex this property for the purpose of adding a Kroger fuel station. This is the final development plan so that construction may commence.

This fuel center is located at the northeast corner of Gallatin Pike and Shelton Avenue. The fuel center will have five pumps and a small kiosk. The fuel center will be accessed internally from the Kroger site and this plan removes the curb cuts on Gallatin Road and Shelton Avenue. Trees and landscaping are proposed along the street edges.

STORMWATER RECOMMENDATION - Approve except as noted.

1. Provide Dedication of Easement, Detention Agreement and recording fee.
2. Provide Map (72-02) on plans.
3. For the erosion control, Dandy bag not accepted. Revise with a method listed within Volume 4.
4. Need matting for slopes 3:1 or greater. Specify type to be used and add detail (TCP).
5. For the storm structures, show how Pipes 1 – 5 connect to P 6.

6. For the storm structures, Pipes 1 – 7 should be routed to the water quality unit. Redo and provide updated calculations and drainage maps.
7. Use correct As-Built Note.

PUBLIC WORKS RECOMMENDATION - All Public Works design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works’ approval of the construction plans.

FIRE MARSHAL RECOMMENDATION - Approve

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
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 Section 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. The required turnaround may be up to 100 feet diameter.
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, (7-0) *Consent Agenda*

Resolution No. RS2006-327

“BE IT RESOLVED by The Metropolitan Planning Commission that 64-85-P-05 is **APPROVED WITH CONDITIONS. (7-0)**

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 Section 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. The required turnaround may be up to 100 feet diameter.
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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."

- 17. 2004P-013G-12**
 Mill Creek Towne Centre (Formerly Legg Development), Fifth Third Bank
 Map 181-00, Parcel 252
 Subarea 12 (2004)
 Council District 31 - Parker Toler

A request to revise a portion of the preliminary and for final approval for the commercial Planned Unit Development located along the east side of Nolensville Pike, at Concord Hills Drive, classified SCC, (1.1 acres) to permit a 4,117 square foot bank, requested by Stock & Associates, for Legg Development, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST -Revision to Preliminary and Final PUD

A request to revise a portion of the preliminary and for final approval for the Commercial Planned Unit Development located along the east side of Nolensville Pike, at Concord Hills Drive, classified SCC, (1.1 acres) to permit a 4,117 square foot bank.

PLAN DETAILS

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

The preliminary PUD approved 3,851 square feet of general retail or restaurant in this location. The current proposal for a bank is keeping with the original intent, and although it is slightly larger than the previously approved building, it does not exceed the 10% allowable increase in square footage for the PUD.

Site Layout, Access, & Parking - The submitted PUD plan shows the building on Lot 7, with associated surface parking located around it on three sides with the drive-thru tellers located to the rear. Two ingress/egress points are located off the internal access road in the PUD.

Sidewalks - The required sidewalk along the north side of Nolensville Road has been bonded with the previous final plat.

STORMWATER RECOMMENDATION - Approve

PUBLIC WORKS RECOMMENDATION - All Public Works design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

FIRE MARSHAL RECOMMENDATION - Approve

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
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 Section 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. The required turnaround may be up to 100 feet diameter.
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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, (7-0) *Consent Agenda*

Resolution No. RS2006-328

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013G-12 is **APPROVED WITH CONDITIONS. (7-0)**

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 Section 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. The required turnaround may be up to 100 feet diameter.

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.
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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

- 18. 2006M-135U-09**
 Sole Mio Restaurant Aerial Encroachment
 Map 093-100, Parcel 403
 Subarea 9 (1997)
 Council District 6 – Mike Jameson

A request for an aerial encroachment of a double face illuminated sign on public right of way, located at 311 Third Avenue South, requested by Joslin & Son Signs.

APPLICANT REQUEST - A request for an aerial encroach above the Metro right-of-way to install a double-face sign, located at 311 Third Ave., South.

APPLICATION DETAILS - The request has been referred to the Planning Commission as a request for an aerial encroachment into the Metro right of way pursuant to the Mandatory Referral provisions in the Metro Charter.

This requested sign is located in the Rutledge Hill Redevelopment District. Signs located in such districts are required to obtain approval from the applicable MDHA design review committee. According to MDHA staff, interior lit signs – such as the requested sign – generally are not permitted in redevelopment districts.

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). As discussed above, no recommendation has been received from MDHA because the applicant has not applied for approval by the MDHA design review committee.

PLANNING STAFF RECOMMENDATION -If the requested sign appeared to be in compliance with MDHA guidelines for signs in redevelopment districts, then staff could possibly recommend that the Commission approve the encroachment request with the understanding that the sign eventually would be reviewed by MDHA prior to being installed. In this case, however, the sign does not appear to be in compliance with the MDHA Capital Mall design standards, or with the historic fabric of the Lower Broadway and “SoBro” area. Accordingly, staff recommends disapproval of this request for an aerial encroachment in the public right of way.

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

Mr. Clifton requested clarification on whether the applicant incurred a fee for this request.

Mr. Kleinfelter explained this request was processed through the Public Works Department and that there was probably a fee, but he was unsure of the amount.

Mr. Clifton suggested deferring this case until MDHA has had a chance to review the proposal.

Mr. Kleinfelter stated if the proposal was deferred without any action, it would move forward as an approval at Council.

Ms. Nielson moved and Mr. McLean seconded the motion to disapprove Mandatory Referral 2006M-135U-09. **(6-1) No Vote – Loring**

Resolution No. RS2006-329

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006M-135U-09 is **DISAPPROVED. (6-1)**”

XIV. OTHER BUSINESS

19. Employee contract renewals for Ryan Latimer, Bob Leeman, and Anita McCaig.

Approved, (7-0) *Consent Agenda*

20. 2007 Planning Commission meeting schedule and filing deadlines

Approved, (7-0) *Consent Agenda*

Resolution No. RS2006-330

“BE IT RESOLVED by The Metropolitan Planning Commission that the 2007 Planning Commission meeting schedule and filing deadlines are **APPROVED. (7-0)**”

21. Contract between Metro and the State of Tennessee Department of Transportation for the provision of coordination and financial reimbursement of a comprehensive, cooperative, and continuing transportation process for the Nashville Urbanized area.

Approved, (7-0) *Consent Agenda*

22. Executive Director Reports

23. Legislative Update

XV. ADJOURNMENT

The meeting was adjourned at 5:00 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, 2nd. 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.**